

USEA Forum to Look at Carbon IRA – The US Energy Assn will held a forum today at 10:00 a.m. focused on a new idea that rewards reductions in Carbon footprint with funds deposited into a retirement account. Guest Speaker, Jason Makansi, President of consulting firm Pearl Street, will introduce the concept, describe the four broad steps required and provide simple examples of how to implement the concept.

Forum to Look at Puerto Power Situation – Power 4 Puerto Rico will held a briefing today at 10:00 a.m. at the National Press Club's Zenger Room to discuss the ongoing effort to restore power on the hurricane-ravaged island.

Senate Finance to Hold NAFTA Field Hearing – The Senate Finance Committee holds a field hearing today at 9:30 a.m. Central Time in San Antonio at the Marriott Plaza Hotel's Cavalier Room looking at modernization of the North American Free Trade Agreement (NAFTA). Witnesses will include USTR's Stephen Vaughn, Auto Alliance head Mitch Bainwol, Paola Avila of The Border Trade Alliance, San Antonio Chamber of Commerce CEO Richard Perez, Texas Association of Business head Jeff Moseley, Texas Farm Bureau President Russell Boening and Todd Staples of the Texas Oil and Gas Association.

WRI to Host Forum on Energy Access – The World Resources Institute will hold a forum today at Noon on how energy access for all benefits the economy and the environment. Michael Westphal will present his paper on energy access - another chapter of the "World Resources Report: Towards a More Equal City." Millions of residents in some of the fastest growing cities in the world don't have access to clean, reliable energy, and the challenge of reaching them is not getting easier. In 2012, only 58 percent of the urban population had access to electricity in low-income countries, and nearly 500 million urban residents worldwide used dirty and harmful cooking fuels like charcoal and wood.

Coal Ash Annual Production and Use Survey Results – Tomorrow at 9:30 a.m. at the National Press Club, the American Coal Ash Association will release its annual Coal Ash Production & Use Survey results. Conducted since the early 1960s, the survey provides the most complete data available on the volume of coal ash materials that are produced and beneficially used in a variety of applications. ACAA officials will also discuss impacts of environmental regulation and changing electric utility markets on coal ash production and use. Tom Adams and John Ward of ACCA roll out the report.

THANKSGIVING – November 26th

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IN THE FUTURE

EPA to Hold CPP Public Hearing in WV – EPA will hold a public hearing regarding the withdrawal of the Clean Power Plan in West Virginia on Nov. 28th and 29th. EPA said it will convene two daylong sessions at the state capitol in Charleston. The agency said it "may also hold an additional hearing to be announced at a later date." EPA also extended the comment period on the proposal to Jan. 16, 2018.

CCS Report to be Released – The Global CCS Institute will release its annual *Global Status of CCS: 2017* report launch on November 28th at 9:30 a.m. This year, the Institute is partnering with one of the top think tanks in the city, the [Center for Strategic and International Studies](#), to promote and discuss the release of the Institute's signature report, the globally recognized annual guide to the current progress and prospects for carbon capture and storage. Speakers will include Global CCS's Jeff Erikson and IEA's Samantha McCulloch.

Forum to Look at Asia-Pacific Security – The Center for Climate and Security (CCS) [hosts a high-level discussion](#) on the security risks of climate change in the Asia-Pacific on Tuesday November 28th at 10:00 a.m. This discussion will explore these risks, how US military installations, operations, and strategies in the region may be shaped by them, and their influence on US bilateral and multilateral relationships.

Tillerson to Speak at Wilson Center – The Wilson Center will host [US Secretary of State Rex Tillerson](#) next Tuesday, November 28th at 11:00 a.m. for an address on the future of U.S. relations with Europe by Secretary of State Rex Tillerson, followed by a conversation with Wilson Center President and CEO Jane Harman.

Heritage Hosts Climate Discussion – The Heritage Foundation hosts a [discussion](#) next Tuesday at Noon on the long history and politics of climate activism. Speaker Rupert Darwell will address the topic

CSIS to Release New Energy Report – The CSIS Energy & National Security Program will hold a presentation of its latest report, *Energy and Development: Providing Access and Growth* on Next Tuesday at 1:30 p.m. Based on findings from several workshops conducted by CSIS over the last two years, *Energy and Development* explores several of the most important shifts underpinning the energy access issue. By exploring the role of emerging economies as the primary drivers of future energy demand, the influence of sustainability and climate change concerns in crafting development strategies, and changes to how energy access and growth are measured, the report provides a unique survey of energy and economic growth in the developing world. Sarah Ladislaw (CSIS) will present the report, followed by a panel discussion with Morgan Bazilian (World Bank; CSIS), Morgan Landy (International Finance Corporation), and Philippe Benoit (GIAS2050; CSIS). CSIS's Erol Yayboke, co-author of the report, will moderate.

Forum on Tax Reform to Discuss Carbon Tax – The Brookings Institute will hold a forum on Tuesday November 28th at 2:00 p.m. regarding tax reform that will discuss a possible carbon tax. The Urban-Brookings Tax Policy Center, the Cross Brookings Initiative on Energy and Climate, congressional leaders, and top experts for a discussion on the prospects for tax reform and the potential to include a carbon tax in a broader bipartisan bill. The event will feature a keynote address by Rep. John Larson and panelists include Niskanen's Jerry Taylor and our friend Amy Harder of Axios.

SAFE Event to Feature Oil Discussion with Former EIA Head – Securing America's Future Energy (SAFE) will host a panel discussion on next Tuesday, November 28th at 4:30 p.m. at the National Union Building exploring how market uncertainty, underinvestment, geopolitical risk, OPEC intervention, rising global demand, and other market forces undermine oil market stability. The panel will discuss the likelihood of a return to high and volatile oil prices, implications for American economic and national security, and domestic policy solutions. Moderated by our friend Ben Geman of Axios, the panel will feature former EIA Administrator Adam Sieminski – now at CSIS – and Jonathan Chanis, SAFE's Senior Vice President of Policy.

USTR Reply Comments Deadline – November 29th

National Academies Review Climate Assessment – On Wednesday afternoon, the National Academies will review the 4th draft of the National Climate Assessment in an open meeting at the NAS building.

NYT to host Climate Summit – On November 29th and 30th in San Francisco at the Metreon, *The New York Times* will hold ClimateTECH, a groundbreaking summit that brings together influential leaders from key industries to assess bold, cutting-edge technologies that could help keep global warming below the two-degree threshold. Hosted by top Times journalists, ClimateTECH's focus on innovation will also encompass the dramatic changes downstream (in finance, policy, consumer behavior, infrastructure) that are vital for these new technologies to gain adoption and succeed. The program will feature on-stage interviews with celebrated entrepreneurs and inventors along with policy makers, economists and subject-matter experts. Designed for an audience of decision-makers, ClimateTECH will also include an early-stage technology showcase of the newest innovations, along with other experiential activities. The Speaker list is long, but it includes California Gov. Jerry Brown, Statoil's Irene Rummelhoff, Chicago Mayor Rahm Emanuel, Tom Steyer and many others.

Solar Festival Set for Austin – The 2nd annual Solar Business Festival will be held on November 29th and 30th in Austin, Texas at the Thompson Conference Center. The two-day conference segment features a wide variety of sessions on, components of doing a solar and storage business in Texas, microgrids and energy storage, distributed grid, project financing, sustainable buildings, smart grids, solar initiatives and innovations, utility integration, community solar projects, policies, incentives and goals, market growth opportunities, regulatory framework, international solar market opportunities/challenges, sustainable farming and more.

CSIS Look at Zero-Emissions Fuels – The CSIS Energy and National Security Program is hosting a forum on Thursday November 30th at 8:00 a.m. on hydrogen, green shipping and zero-emission fuel in the maritime sector. The discussion will center on the development and implementation of hydrogen fuel technology, the important role it could play for shipping in the transition to a low-carbon future, and ongoing U.S.-Norwegian cooperation in the area. Shipping accounts for more than 2% of worldwide greenhouse gas emissions today and is set to increase up to 17% by 2050. This session will explore the concrete cooperation and projects being pursued in Norway and the United States. Norwegian Ambassador Kåre R. Aas will give introductory remarks, followed by a discussion with Elisabet Bøe (Sogn og Fjordane), Joseph Pratt (Sandia National Lab), Lars Endre Gimmetstad (Brodrene Aa), and Martin Grimnes (Arcadia Alliance) on the present and future of hydrogen technology and what a low-carbon future for maritime transport may look like.

Forum to Look at Energy Crossroads – The Texas Public Policy Foundation and The Heritage Foundation host the “At the Crossroads IV: Energy and Climate Policy Summit” on Thursday. The conversation will feature the world's leading scientists, policymakers, entrepreneurs, and energy experts, who will gather to explore this turning point in energy history and the long-lasting potential it holds for America and beyond. Speakers include Sens. Jim Inhofe, Mike Lee, House Science Chair Lamar Smith and many others.

RFS RVO Deadline – November 30th

Chatterjee to Address NatGas Roundtable – On Thursday at Noon, the Natural Gas Roundtable will host FERC Chairman Neil Chatterjee as the guest speaker at the next luncheon.

R Street Hosts Clean Energy Event on Capitol Hill – R Street hosts a forum on Thursday, November 30th in 122 Cannon featuring a discussion on clean energy with panelists from Microsoft, Advanced Energy Economy (AEE), the American Coalition of Competitive Energy Suppliers (ACCES) and Citizens for Responsible Energy Solutions. Across the country, clean energy is growing rapidly in states that allow customers to choose their electricity supplier. This system of 'retail choice' grants customers more options and allows them to generate their own energy on-site. Importantly, large corporations have been leading the charge for distributed energy generation, marking a refreshing intersection of conservative and green agendas.

RFF to Look at Energy Security – Resources for the Future (RFF) will host a forum on Thursday November 30th focused on the new realities on energy security given our shale resources. This RFF seminar will open with a presentation from former Department of Energy official Howard Gruenspecht on the economic and political factors that have led to a very different oil security picture than the country faced decades ago. RFF President Richard Newell will present new research on how the shale oil boom has altered the flexibility of the US supply, as well as how price and inventory dynamics can inform Strategic Petroleum Reserve policy. RFF University Fellow Stephen Brown will then discuss an RFF project that produced new estimates for the value of the oil security premium—a key metric used in benefit–cost analyses of related regulations. RFF Senior Fellow Alan Krupnick will wrap up with a discussion of the new energy security paradigm, which broadens the definition of US energy security beyond oil to include natural gas, electricity, and other energy systems.

Clean Edge, GridWise Alliance Host gridCONNEXT – GridWise Alliance and Clean Edge will host gridCONNEXT on December 4th through 6th in Washington, D.C. with hundreds of regulators, utility executives, corporations, and other industry stakeholders to explore the many grid modernization.

Solar Tariff Opponents to Weigh-in at Press Club – Opponents of tariffs on solar imports will

hold a briefing on Tuesday December 5th at 9:30 a.m. at the National Press Club. The event will feature solar industry advocates, as well as members of the Energy Trade Action Coalition like the National Electrical Contractors Association, utilities, retailers and Conservative free-trade groups. More next week.

USTR Hearing on Solar Trade Tariff – December 6th

Pruitt to Head to House Energy Panel – The House Energy and Commerce Environment Subcommittee will hold a hearing on December 7th with EPA Administrator Scott Pruitt testifying. The appearance will be Pruitt's first before the Energy and Commerce Committee.

IPAA Exec to Address Energy Economists – The National Capital Area members of the US Assn of Energy Economist will host Fred Lawrence for their December 8th lunch. Lawrence, VP at the Independent Petroleum Association of America, will discuss the outlook for U.S. oil and natural gas, including shale export trends over the past two years, focus on the Independents in a Sector and demand and geopolitical reality vs. ideology.

Paris Forum to Focus on Anniversary – Forum to French President Macron will host the One Planet Summit on December 12 in Paris, on the two-year anniversary of the Paris Agreement. The Summit will focus specifically on climate finance. Heads of State will be invited to attend this meeting.

***The Last Jedi Hits Theaters* – DECEMBER 15th**

Pruitt to Head to Senate Environment – The Senate Environment and Public Works Committee said EPA Administrator Scott Pruitt will appear before the Committee on Jan. 31, 2018, making his first return to the panel nearly a year after his confirmation.

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Fri 11/10/2017 9:00:30 PM
Subject: Today on Climate Beat

November 10, 2017

Today on Climate Beat . . .

. . . we went to Congress, where Sen. Sheldon Whitehouse (D-RI) is pressing coal company Murray Energy for a copy of a three-and-a-half page “action plan” it gave to the Trump administration to boost the coal sector, including proposed attacks on EPA regulations.

In litigation news, the U.S. Court of Appeals for the District of Columbia Circuit is extending its stay of litigation over the Obama-era Clean Power Plan greenhouse gas limits for power plants, given the Trump administration’s ongoing efforts to repeal the regulation.

In biofuels, federal prosecutors have issued billionaire investor and former Trump economic adviser Carl Icahn with subpoenas seeking information about his role in shaping administration policy on the renewable fuel standard, amid widespread allegations that he exploited his position to manipulate biofuels credit markets to his advantage.

We also highlighted some must-read stories from the past week, including news about the Trump administration’s major climate report, environmentalists’ election plans for 2018, EPA’s new air chief and a proposed rollback of some truck GHG limits.

And our daily news roundup looked at recent comments from a top federal energy regulator that he is developing an “interim” plan to save coal and nuclear plants as officials continue to study a more sweeping, and contentious, Department of Energy proposal on the issue.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Fri 11/10/2017 6:27:18 PM
Subject: BREAKING NEWS: NRSC drops out of fundraising agreement with Moore

The Republican Party's Senate campaign wing on Friday severed its fundraising agreement with Roy Moore.

Federal Election Commission paperwork filed on Friday showed that the National Republican Senatorial Committee is no longer listed as part of a joint fundraising committee with Moore's campaign, the Alabama Republican Party, and the Republican National Committee. The other three entities remain in the contract, as of Friday afternoon.

Read more: <https://www.politico.com/story/2017/11/10/nrsc-drops-out-of-fundraising-agreement-with-moore-244783>

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Mon 11/20/2017 6:02:59 PM
Subject: Playbook Power Briefing, presented by the Peter G. Peterson Foundation: TRUMP: NoKo is state sponsor of terror once again -- NYT UPSHOT: House could be 'tossup' if dynamics stay the same -- NYT suspends Thrush

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Today's Playbook Power Briefing presented by the Peter G. Peterson Foundation

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BULLETIN at 11:44 a.m. -- "WASHINGTON (AP) - President Donald Trump announces intent to declare North Korea a state sponsor of terror."

-- **MORE ON N.K.**, from pooler David Boyer of the Washington Times: "The formal designation will come Tuesday from Treasury, with more sanctions as well. By the time the new sanctions are in place over the next two weeks, he said, it will be 'the highest level' of sanctions imposed on North Korea ever. 'It should have happened years ago,' the president said, calling Pyongyang 'a murderous regime.' He said North Korea 'must end its unlawful nuclear and ballistic missile development' and end its support for international terrorism."

-- **NOTE:** North Korea was previously designated as a state sponsor of terror. President George H.W. Bush added them to the list in 1988 and President George W. Bush removed them in 2008.

Good Monday afternoon. MEMO TO KEVIN MCCARTHY: REP. DARRELL ISSA in the **ORANGE COUNTY REGISTER: "Californians don't deserve a tax increase":** "Federal tax reform moved forward this past week in Washington. Good news for most of the country. Not so much for us here in California.

"Done right, it would have spurred economic growth , allowed Californians to keep more of their hard-earned paychecks, enabled Americans to better save for the future, and helped dig hard-working families out of the mountain of tax increases piled on them in recent years. Unfortunately, I fear that the plan as approved could actually make the incredible burden our state's taxpayers feel even worse. I voted no because my constituents don't deserve a tax increase." <http://bit.ly/2jb5hnZ>

-- **NYT UPSHOT'S NATE COHN: "If 2018 Is Like 2017, the House Will Be a Tossup":** "Assume, for the moment, that next year's midterm elections go exactly like this year's special and general elections. What would happen?

"The Democrats would post sweeping gains. They would win the House national popular vote, probably by a wide margin. But the battle for House control would be close. The Democrats might be modest favorites to retake the chamber, but it would probably be fairer to characterize the race as a tossup. Of course, there's no reason to assume that next year's midterm elections will go like this year's contests. The next year could prove as eventful as the last, and no one can say what the national political environment will be like next November.

"But the evidence of Democratic strength has been clear and consistent all year. Democrats in 2017 generally ran far ahead of their recent showings, including ahead of Hillary Clinton's performance in the 2016 presidential election. President Trump's approval rating is stuck in the 30s. Democrats have around a 10-point lead on the generic congressional ballot. And the party out of power historically fares very well in midterm elections." <http://nyti.ms/2zjTcb5>

ALEX ISENSTADT: "Opening for Romney Senate bid gets wider": "Utah Republican Boyd Matheson is forgoing a 2018 Senate campaign, a decision that further opens the door for Mitt Romney to run.

"Matheson, a former chief of staff to Utah Sen. Mike Lee and the president of the conservative Sutherland Institute think tank, announced on Monday that he would not run for the seat currently held by longtime Republican Sen. Orrin Hatch, who is 83 and deciding whether to seek another term. The prospect of a Matheson campaign had gained traction among conservatives. During a recent trip to Washington, Matheson met with former White House chief strategist Steve Bannon and President Donald Trump's 2016 deputy campaign manager, David Bossie. He also received encouragement from an array of conservative outside groups." <http://politi.co/2hNU1S6>

THE TRUMP ADMINISTRATION -- "Make Nepotism Great Again: 20 Families Got Jobs in Trump Administration," by The Daily Beast's Lachlan Markay: "A Daily Beast examination of public records reveals that there are at least 20 families, joined by either blood or marriage, in which multiple members hold some federal post or appointment. They include the families of some of Trump's most prominent campaign supporters and agency officials, including one cabinet officer. The posts range from senior White House staff to more ceremonial and advisory positions." <http://thebea.st/2zXgRuS>

ANOTHER FRANKEN ACCUSATION -- "Woman says Franken inappropriately touched her in 2010," by CNN's MJ Lee: "A woman says Sen. Al Franken inappropriately touched her in 2010, telling CNN that he grabbed her buttocks while taking a photo at the Minnesota State Fair. It is the first allegation of improper touching by Franken, who is a Democrat, while he was in office.

"According to [Lindsay] Menz, she attended the Minnesota State Fair with her husband and father in the summer of 2010, almost two years after Franken was elected to the Senate. Her father's small business was sponsoring a local radio booth, and she spent the day meeting various elected officials, political candidates and celebrities and

taking photos with them as they stopped by the booth.

"When Franken walked in, Menz and her husband, who also spoke with CNN, said they recognized him right away. Menz said she had a brief and cordial exchange with the senator. Then, as her husband held up her phone and got ready to snap a photo of the two of them, Franken 'pulled me in really close, like awkward close, and as my husband took the picture, he put his hand full-fledged on my rear,' Menz said. 'It was wrapped tightly around my butt cheek.' ...

"In a statement to CNN Sunday, Franken said he did not remember taking the photo with Menz and that he felt 'badly' that she felt disrespected. 'I take thousands of photos at the state fair surrounded by hundreds of people, and I certainly don't remember taking this picture,' Franken said. 'I feel badly that Ms. Menz came away from our interaction feeling disrespected.'" <http://cnn.it/2z3EzV6>

VOX'S LAURA MCGANN: "Exclusive: NYT White House correspondent Glenn Thrush's history of bad judgment around young women journalists: Several women told Vox about their experiences with the star reporter, and the Times has suspended him pending an investigation." <http://bit.ly/2iArbl9>

-- **GLENN THRUSH'S** statement <http://bit.ly/2B3AnGd>

-- **NOTE TO THE NEWSROOM FROM POLITICO CEO PATRICK STEEL:** "Good morning, As you are probably aware, this morning VOX published a story detailing serious and disturbing allegations against Glenn Thrush. Many of you worked with Glenn before his departure for the New York Times last year, and we understand how upsetting this story must be.

"POLITICO is a place where you should feel supported in your work, respected as an individual, and able to achieve your professional goals. Carrie said this morning that, 'Great journalism and great businesses require a great workplace.' I couldn't agree more. The notion that anyone at POLITICO would be subjected to harassment-or feel as though they couldn't speak out-is totally unacceptable to me. Our standards and values leave no ambiguity-this behavior will not be tolerated, period.

"Please take a moment to review the note below that Traci Schweikert, our VP of Human Resources, sent last month detailing our policies and procedures for harassment and professional conduct.

"My door is always open, Carrie's door is always open and Traci's door is always open-please stop in anytime to discuss whatever is on your mind."

***** **A message from the Peter G. Peterson Foundation:** As Washington debates tax reform, there's talk of tax cuts that will give trillions of dollars back to American taxpayers. That sounds great. But if these tax cuts aren't paid for, future generations will be stuck with the bill. Congress, tax reform should grow the economy. Not the debt.

MORE FROM ONE OF MOORE'S ACCUSERS -- "Moore accuser: 'I wonder how many more me's he doesn't know'," by Louis Nelson: "Leigh Corfman, the Alabama woman who accused Republican Senate candidate Roy Moore of initiating a sexual encounter with her when she was 14, said Monday that her interaction with Moore robbed her of her senses of trust and self-confidence, placing a weight on her that she said took 'decades' to shed. ...

"Moore has denied allegations of wrongdoing -- although he conceded in an interview that it is possible he dated teenage women when he was much older than them -- and has characterized the accusations against him as political attacks. He has said he does not know Corfman. 'I wonder how many more me's he doesn't know,' Corfman said when asked by Guthrie about Moore's denial that he knew her." <http://politi.co/2B4fHOx> ... **Video of the interview on TODAY** <http://on.today.com/2B6d9PT>

BUZZFEED'S JOSEPH BERNSTEIN: "Sources: McMaster Mocked Trump's Intelligence In a Private Dinner": "Over a July dinner with Oracle CEO Safra Catz - who has been mentioned as a candidate for several potential administration jobs - McMaster bluntly trashed his boss, said the sources, four of whom told BuzzFeed News they heard about the exchange directly from Catz. The top national security official dismissed the president variously as an 'idiot' and a 'dope' with the intelligence of a 'kindergartner,' the sources said.

"A sixth source who was not familiar with the details of the dinner told BuzzFeed News that McMaster had made similarly derogatory comments about Trump's intelligence to him in private, including that the president lacked the necessary brainpower to understand the matters before the National Security Council. Both Oracle and the Trump administration heatedly denied the comments that Catz later recounted." <http://bzfd.it/2zZe1FW>

KEYSTONE, GOING FORWARD -- "Keystone XL pipeline wins green light in Nebraska," by Ben Lefebvre: "Nebraska regulators approved the Keystone XL pipeline Monday, clearing the last big regulatory hurdle for the controversial oil project after nearly a decade of bitter protests from environmentalists and landowners and delivering a win for President Donald Trump's drive for U.S. 'energy dominance.' The Nebraska Public Service Commission voted 3-2 to approve the route through the state for the pipeline that will transport up to 830,000 barrels per day of crude from Canada's oil sands and North Dakota's shale fields to oil refineries on the Gulf Coast." <http://politi.co/2B8E1Pp>

INDICTMENT UPDATES -- "Judge opens door for Manafort, Gates to get Thanksgiving passes," by Darren Samuelson: "Former Donald Trump campaign staffers Paul Manafort and Rick Gates may get to leave home confinement for Thanksgiving after all. In a brief order Monday, U.S. District Court Judge Amy Berman Jackson told the two men who are facing charges in special counsel Robert Mueller's

probe that they had until 3 p.m. Tuesday to file any motions 'seeking release to attend specific events' over the upcoming holiday weekend." <http://politi.co/2ixv0rq>

WHAT HAPPENED TO RAND -- GQ's BEN SCHRECKINGER ON THE CASE -- "The Bizarre True Story of the Neighborhood Scuffle That Left Rand Paul with Six Broken Ribs": "[T]o many people in Bowling Green, there's nothing about this that smacks of politics. From the locals who know both men well, a portrait emerges of something much more personal and petty. A clash between a big-deal politician, living in a small town and rarely realizing the ways in which he rubs people the wrong way, and his neighbor, a proud, fiery, and meticulous former doctor. In other words, something far less Sumner-Brooks than Hatfield-McCoy. 'It's like the old hillbilly feud over the property line,' said longtime Bowling Green resident Bill Goodwin, who has known Paul for the better part of two decades and has become friends with Boucher in recent years." <http://bit.ly/2z2hFgX>

ON THE PRESIDENT'S MIND -- @realDonaldTrump at 6:25 a.m.: "Marshawn Lynch of the NFL's Oakland Raiders stands for the Mexican Anthem and sits down to boos for our National Anthem. Great disrespect! Next time NFL should suspend him for remainder of season. Attendance and ratings way down." ... **at 6:55 a.m.:** "Under President Trump unemployment rate will drop below 4%. Analysts predict economic boom for 2018! @foxandfriends and @Varneyco".

WAR REPORT -- "War zone deaths are up for the first time in six years," by Military Times' Todd South: "For the first time in six years, the number of U.S. troops killed in overseas operations has increased over the previous year. So far this year, 31 service members have died in actions overseas, according to Defense Department data. Last year, the total was 26, down two from 2015." <http://bit.ly/2B8AJLU>

CLICKER -- Defending Digital Democracy, the project at Harvard's Belfer Center run by Robby Mook and Matt Rhoades, has released its "Campaign Cybersecurity Playbook" <http://bit.ly/2j8yQqr>

FIRST PERSON -- Rhode Island state Sen. **GAYLE GOLDIN** in **GLAMOUR -- "Why Speaking Out Against Sexual Harassment Backfires for Women in Office":** "Politics is all about relationships. We aren't just making friends at work; we're building rapport to advance our legislative agenda. When you call out your colleagues for everyday sexism, you earn a reputation of being 'difficult,' 'sensitive,' or worse. Too many men who are not perpetrating this behavior often turn their colleagues' comments into jokes or simply shrug. This creates an internal struggle for elected women: Is it more important to gain your colleagues' support on legislation than to remind him that he should stop calling you 'one of the girls' when he's talking to you?" <http://bit.ly/2z3zA6K>

DE BLASIO 2020? -- "De Blasio heads to Iowa in hopes of defining a national role," by POLITICO New York's Gloria Pazmino: "Bill de Blasio is headed to Iowa again, but the mayor of New York City insists he's really not running for president. ... The

mayor's trip to Iowa is being funded by the Progress Iowa group, aides to the mayor said. He will be in Des Moines Dec. 19-20 and will travel with no more than two staffers. Although he has not yet done so, de Blasio acknowledged he will need to set up a PAC to raise money to fund his out-of-state excursions. Sources close to the mayor have confirmed there have been discussions with advisers to establish a federal political action committee." <http://politi.co/2ixM2p1>

THIS YEAR'S PRESIDENTIAL TURKEY PARDONS -- @WhiteHouse: "The two turkeys, Drumstick and Wishbone, participating in this year's National Thanksgiving Turkey Pardoning Ceremony have arrived in DC!" <http://bit.ly/2iB6Mwv>

TRANSITIONS -- Ben Fry starts today as Sen. David Perdue's (R-Ga.) new state director. He was most recently VP of state government affairs at UnitedHealth Group. ... **Kelsi Daniell** has started as press secretary for EPA Administrator Scott Pruitt. She was last in Sen. John Boozman's (R-Ark.) office. She was communications director for Sen. Boozman's 2016 re-election campaign and communications director for Ark. Lt. Gov. Tim Griffin. ...

... **Bethany Aronhalt** is heading to the National Retail Federation as senior director of media relations. She was previously press secretary for House Committee on Education and the Workforce. ... **Jamie Shimek** joined the Democrats' House Appropriations staff on Monday, working on the Energy & Water subcommittee. She was previously at the Pacific Northwest National Laboratory. ...

... **Casey Harper** has joined Definers Public Affairs as a director. He was previously communications director for Rep. Vicky Hartzler (R-Mo.). **Tom Mulkeen** has also joined the firm as an associate. He previously worked at the RNC's research department.

WELCOME TO THE WORLD - Joey Smith, director of operations at Treasury and alum of Financial Services Roundtable and the Romney 2012 campaign, and **Jeannette Smith**, VP at Leading Authorities and alum of the Chertoff Group and Bush 43 WH advance, on Saturday welcomed Hunter Joseph Smith. **Pics** <http://bit.ly/2Af12Ts> ... <http://bit.ly/2mKGpIH> ... **With their two other boys** <http://bit.ly/2zjkPAW>

ENGAGED -- Luke Bolar, SVP for energy at Edelman, proposed to **Kelsey Harkness**, a senior producer at the Daily Signal, Federalist contributor, and fellow at the Steamboat Institute. "We met in D.C. at a reception and I pitched her a story while I was on the Hill working for Sen. Vitter. We got engaged Friday night in Navy Yard after dinner at Osteria Morini." **Pic** <http://bit.ly/2jHEP9t>

-- **Andy Nielsen**, a policy analyst for Sen. Jeanne Shaheen (D-N.H.) and the Senate Small Business Committee, on Friday night proposed to **Kami Spicklemire**, the P12 communications manager at the Education Trust and a CAP alum. "We met in college at Indiana University through an organization called Camp Kesem. He proposed in Lamont Park in Mt. Pleasant, before dinner at Beau Thai and drinks at Dram and Grain!" **Pic** <http://bit.ly/2j9Soe7> ... **The ring** <http://bit.ly/2zWYCpv>

WEEKEND WEDDINGS -- Liz DeBold, a director at SKDKnickerbocker and alum of NY Attorney General Eric Schneiderman, on Sunday married **Joseph Fusco**, an owner of Attilio's Villagio, a pizzeria and Italian restaurant in northern New Jersey. **Pic** <http://bit.ly/2jadl8F> ... **NYT announcement** <http://nyti.ms/2zVWwSk>

--**Maria Thorbourne**, senior manager of public affairs at the Hoover Institution in D.C. and alum of former California Gov. Arnold Schwarzenegger, married **Craig Harless**, a music teacher at Fusion Academy in Cleveland Park. The wedding was in Sacramento, and the couple met through mutual friends. **Pics** <http://bit.ly/2hNqjfk> ... <http://bit.ly/2B4Y0yn>

***** **A message from the Peter G. Peterson Foundation:** Washington is debating tax reform. There's talk of substantial tax cuts that will give trillions of dollars back to American taxpayers. That sounds great. But if these tax cuts aren't paid for, future generations will be stuck with the bill. Congress is right to pursue tax reform - the code is outdated, complex and unfair. Tax reform done right should be permanent, because businesses and individuals need certainty to plan and invest. It should be based on realistic, independent projections and assumptions about the effect on our economy and our fiscal outlook. And it should enjoy bipartisan support, so that it's durable over time. Lawmakers should use the valuable opportunity presented by tax reform both to improve our fiscal outlook and strengthen the economy at the same time. Congress, tax reform should grow the economy. Not the debt. Learn more at www.pgpf.org/tax-reform.

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Subject: Playbook Power Briefing, presented by Morgan Stanley: BIDEN strongly considering 2020 -- RICK DEARBORN expected to be reassigned out of W.H. -- AMERICAN CRISIS still ongoing in Puerto Rico -- PERSPECTIVE on ROY MOORE

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Today's Playbook Power Briefing presented by Morgan Stanley

By ANNA PALMER (anna@politico.com; [@apalmerdc](https://twitter.com/apalmerdc)), JAKE SHERMAN (sherman@politico.com; [@JakeSherman](https://twitter.com/JakeSherman)), DANIEL LIPPMAN (daniel@politico.com; [@dlippman](https://twitter.com/dlippman)) and ZACH MONTELLARO (zmontellaro@politico.com; [@ZachMontellaro](https://twitter.com/ZachMontellaro))

AT APEC -- @CNNJason: "Must watch: CNN's @mchancecnn chases down Russian billionaire Oleg Deripaska at APEC Summit. #DoggedJournalism" <http://bit.ly/2hq6nzu>

Good Friday afternoon. PERSPECTIVE -- Four women went on the record with The Washington Post accusing Roy Moore, the Republican candidate running for the U.S. Senate, of inappropriate conduct with teenage girls. Just two senators -- Arizona Sens. Jeff Flake and John McCain -- have called on him to unequivocally withdraw from the race.

ERIC MASSA, a former New York Democratic congressman, was forced to resign after it came out that he sexually harassed and groped male staffers. Chris Lee, a New York Republican, was forced to resign after it came out that he sent a shirtless photo to someone he met online. **IN THIS INSTANCE:** Moore says he won't step aside despite four women telling the Washington Post on the record that he pursued them as teenagers. Many federally elected Republicans are saying he should step aside -- if the women on the record are telling the truth. And multiple Republican Party officials in Alabama are saying Moore should **STAY IN THE RACE**. One even told the Toronto Star's Daniel Dale (@ddale, a must follow) that he "would vote for Judge Moore because I wouldn't want to vote for Doug" Jones, the Democratic candidate.

THE TWO PREVIOUS REPUBLICAN PRESIDENTIAL NOMINEES -- @MittRomney: "Innocent until proven guilty is for criminal convictions, not elections. I believe Leigh Corfman. Her account is too serious to ignore. Moore is unfit for office and should step aside." ... **@SenJohnMcCain:** "The allegations against Roy Moore are deeply disturbing and disqualifying. He should immediately step aside and allow the people of Alabama to elect a candidate they can be proud of."

MOORE has said he won't step aside.

MORE ON MUELLER -- WOW -- "Mueller Probes Flynn's Role in Alleged Plan to Deliver Cleric to Turkey: Under alleged plan, ex-Trump adviser and his son were to be

paid millions to forcibly remove Fethullah Gulen from U.S. and deliver him to Turkish custody," by WSJ's James Grimaldi, Shane Harris and Aruna Viswanatha: "Special Counsel Robert Mueller is investigating an alleged plan involving former White House National Security Adviser Mike Flynn to forcibly remove a Muslim cleric living in the U.S. and deliver him to Turkey in return for millions of dollars, according to people familiar with the investigation.

"Under the alleged proposal, Mr. Flynn and his son, Michael Flynn Jr., were to be paid as much as \$15 million for delivering Fethullah Gulen to the Turkish government, according to people with knowledge of discussions Mr. Flynn had with Turkish representatives. President Recep Tayyip Erdogan, who has pressed the U.S. to extradite him, views the cleric as a political enemy.

"Federal Bureau of Investigation agents have asked at least four individuals about a meeting in mid-December at the '21' Club in New York City, where Mr. Flynn and representatives of the Turkish government discussed removing Mr. Gulen, according to people with knowledge of the FBI's inquiries. The discussions allegedly involved the possibility of transporting Mr. Gulen on a private jet to the Turkish prison island of Imrali, according to one of the people who has spoken to the FBI." <http://on.wsj.com/2ArSGnv>

HMM -- "Post Office Fails to Deliver on Time, and DACA Applications Get Rejected," by NYT's Liz Robbins: "The paperwork was mailed from New York in plenty of time. On Sept. 14, Allison Baker, a lawyer for the Legal Aid Society, sent a client's application to renew a permit that would let him stay and work in the United States legally as part of the Deferred Action for Childhood Arrivals program -- long before the Oct. 5 deadline. It was sent certified mail to be safe. Tracking data from the United States Postal Service shows the envelope arriving in Chicago on Sept. 16 on its way to the regional processing warehouse of the United States Citizenship and Immigration Services, the agency that administers the program known as DACA.

"Then the packet started circling Chicago in a mysterious holding pattern. ... On Oct. 6, a day too late, it was delivered. And the application, for a 24-year-old man who asked to be identified only as José because his legal status was uncertain, was rejected.

"José was not alone. According to lawyers from across the New York region, in at least 33 other cases, unusually long Postal Service delays resulted in rejections of DACA applications, throwing the lives of their clients into frantic limbo. Lawyers in Boston and Philadelphia, which also send their applications to the Chicago processing center, say they have not seen evidence of an issue with the mail." <http://nyti.ms/2ArW01U>

IVANKA TRUMP is in Maine today with Sen. Susan Collins (R-Maine) for a tax event.

W.H. STAFF SHAKEUPS -- Via ABC's **JOHN SANTUCCI** and **TARA PALMERI**: "The White House is expected to announce the appointment of Jim Carroll as deputy chief of staff to succeed Kirstjen Nielsen, President Donald Trump's nominee to lead the

Department of Homeland Security, ABC News has learned from multiple senior administration officials. Carroll most recently served as counsel to the White House Office of Management and Budget and was previously part of the White House counsel's office from the beginning of the Trump Administration."

<http://abcn.ws/2hpJcFg>

-- **ANDREW RESTUCCIA, ANNIE KARNI and JOSH DAWSEY:** "Deputy chief of staff Rick Dearborn -- a former top Jeff Sessions Senate aide who played a central role during the presidential transition -- is expected to be reassigned to the Commerce Department or another federal agency, according to multiple administration officials and outside advisers familiar with plans for the staff change. Dearborn's portfolio over the past year has covered high-level assignments, including helping to organize the president's schedule. But that job has since been passed to another deputy chief of staff, Joe Hagin, while Dearborn has become increasingly marginalized internally since Kelly's arrival in late July." <http://politi.co/2AtkBDo>

AMERICAN CRISIS -- "Millions Of Puerto Ricans Just Lost Power Again After A Line Repaired By Whitefish Energy Failed," by BuzzFeed's Nidhi Prakash: "A major Puerto Rican power line repaired by the tiny Montana company Whitefish Energy failed Thursday morning, plunging almost all of the island, including parts of San Juan and other major cities, back into darkness. Just 18% of Puerto Rico now has power, according to the island's energy utility, down from 43% before the line failed on Thursday, wiping out a quarter of Puerto Rico's power generation.

"**The line failure took out 25%** of Puerto Rico's power generation, which was at 43% capacity just before the failure, according to the Puerto Rico Electric Power Authority (PREPA). Just 18% of the territory now has power, and officials did not have a clear timeline on when the power will be restored." <http://bzfd.it/2ApXWbh>

***** **A message from Morgan Stanley:** Amid a confluence of regulatory, market and technological factors, the production and sales of battery-powered electric vehicles may finally shift into high gear. A Morgan Stanley report projects that as many as a billion electric vehicles will be on the road worldwide by 2050. [Read more.](#) *****

2020 ALREADY? -- "Biden sees one Democrat who can beat Trump in 2020: Joe Biden," by Isaac Dove: "After beginning the year both teasing a 2020 bid and ruling one out -- sometimes on the same day -- Biden in recent months has shifted unmistakably in favor of running, say multiple people who've been in touch with the former vice president and his team.

"**For the first time in** what would be the sixth presidential campaign that he's either seriously flirted with or launched, Biden sees an argument for a candidacy for which he is the only answer: An elder statesman who can help repair the damage and divisions in the country and around the world, unite the competing wings of the Democratic Party, and appeal to traditional Democratic voters who fled last year for Trump."

<http://politi.co/2Aqjwwk>

-- **"Steve Bannon Advised Mark Cuban to Run in 2020 as a Democrat,"** by The Daily Beast's Lachlan Markay and Asawin Suebsaeng: "The Dallas Mavericks owner confirmed that he has corresponded on multiple occasions since the 2016 election with Steve Bannon, President Donald Trump's former chief strategist.

"He downplayed the interactions in an email exchange with The Daily Beast, saying merely that he 'texted with him a few time[s]' and that none, he believed, had 'been more than one full sentence.' But according to four sources familiar with their conversations, the two have been in touch for months about a possible 2020 bid. Bannon, these sources say, has encouraged Cuban to run and to consider doing so as a Democrat, seeing it as a realistic path to a viable presidential run.

"They talk regularly," said Sam Nunberg, a former Trump adviser who is close to Bannon. 'They're very similar. They have a lot of synergy there. Even when [Steve] went to work for Trump, Mark would be interviewed and say nice things about Steve.'"

<http://thebea.st/2hpnWQ9>

ONE OF TRUMP'S SUNDAY MEETING PARTNERS -- "Philippines' Duterte says he stabbed a person to death," by the FT's John Reed: "[Philippines President Rodrigo] Duterte made the assertion on Thursday in a meeting with the Filipino community in Da Nang, Vietnam, where he and leaders from other Pacific Rim countries were gathered for a meeting of the Asia-Pacific Economic Cooperation forum. 'When I was a teenager, I would go in and out of jail,' Mr Duterte said in remarks captured on camera. 'I'd have rumbles here, rumbles there.'

"At the age of 16, I already killed someone,' he said. 'A real person, a rumble, a stabbing. I was just 16-years-old. It was just over a look. How much more now that I am president?'" <http://on.ft.com/2ho7TSJ>

ISAAC DOVERE in a bonus "Off Message" podcast: "Jack Donaghy would be convening meetings to try to reclaim the Republican Party. Jed Bartlett wouldn't have much to say to Donald Trump at all, Alec Baldwin and Bradley Whitford told Isaac Dovere in a bonus episode of Off Message. 'Literally like during one episode,' Baldwin said, imagining how Donaghy would've handled Trump, 'I'd be having a lunch with Romney, I'd be having breakfast with McCain, I'd be having dinner with George Bush, we'd have all the top cardinals of the Republican Party in my office to talk about, 'What are we going to do about this guy?'"

"I think Jed would say, 'Why don't you go read up on this and then get back to me?'" Whitford said, conjuring the response of the learned liberal played by Martin Sheen."

<http://politi.co/2ArAr1F>

VALLEY TALK -- "Twitter suspends blue check mark verifications," by CNN's Jill Disis: "The company announced Thursday that it is pausing all 'general verifications' because of 'confusion' over the policy. The decision comes days after Twitter

authenticated an account belonging to the man who organized this summer's white nationalist rally in Charlottesville, Virginia. Critics attacked the company for a move they said gave credibility and significance to white nationalism." <http://cnnmon.ie/2hqC9MB>

PLAYBOOK METRO SECTION -- "Park Service wants to ban sports from Washington Monument grounds," by WaPo's Michael Ruane: "The National Park Service said Thursday that it wants to permanently close the grounds of the Washington Monument to recreational activities and increase reservation fees for use of its 28 athletic fields on the Mall and in Rock Creek Park. The battered monument grounds were closed earlier this year for turf restoration, and the Park Service wants that closure to continue after the project is finished next year, spokesman Mike Litterst said in an email." <http://wapo.st/2As7lin>

SPOTTED: Ivanka Trump and Jared Kushner's mother Seryl Kushner last night at Cafe Milano ... Gary Cohn accepting the Lab School's Outstanding Achiever with Learning Differences award last night at their 50th anniversary gala at the National Building Museum. He also participated in a panel with fellow award winners at an all-school assembly earlier Thursday. **Pic** <http://bit.ly/2AqwJFf> ... Sen. Deb Fischer (R-Neb.) this morning on a Delta flight from DCA to Omaha

OUT AND ABOUT -- L'Oreal USA held an event last night at the French Embassy honoring women in science that featured five female scientists who were each awarded \$60,000 to continue their research **SPOTTED:** Frédéric Roze, Cody Keenan, Jim Margolis, Norah O'Donnell (who emceed the event), Lauren Paige, Ben Chang, Christine Glunz, Michelle Moore, Rita Colwell.

WHITE HOUSE ARRIVAL LOUNGE -- Austin Cantrell has started as associate director of student and children correspondence in the Trump White House. He previously worked in the press shop of Rep. Greg Gianforte (R-Mont.).

TRANSITIONS -- Bill Briggs starts on Monday as a senior adviser at the Small Business Administration. He most recently was director of political engagement at the Property Casualty Insurers Association of America.

***** **A message from Morgan Stanley:** For years, many industry watchers have predicted the demise of traditional gas-guzzlers and the rise of electric cars. Yet, despite the advent of hybrid vehicles, better and cheaper batteries, and the entry of high-performance luxury electric competitors, the former continues to dominate roads globally. Now, however, the automobile's long-promised electric future may be in sight, according to a new report that projects that as many as a billion battery electric vehicles will be on the road worldwide by 2050, reaching parity with vehicles powered by the internal combustion engine. Why have electric cars never been successful before and why is it different this time? [Read more.](#) *****

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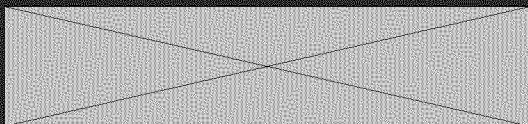
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A military blog by Dan Lamothe

Military jury convicts Marine drill instructor who targeted Muslims

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Fri 11/10/2017 3:04:12 PM
Subject: POLITICO's Morning Energy, presented by ExxonMobil: Top energy highlights in Senate's tax overhaul — Hawks arrive in Bonn to reassure uneasy world of U.S. climate action — Perry headlining Texas event for Pro-Trump group

By Anthony Adragna | 11/10/2017 10:00 AM EDT

With help from Eric Wolff, Alex Guillén, Adam Behsudi, Esther Whieldon and Ben Lefebvre

AT LAST MY TAX IS COMPLETE AGAIN! Senate tax writers waited until 9 p.m. Thursday to roll out their tax bill, and here's what jumped out to ME's bleary-eyes:

- **The big stuff everyone gets:** The Senate bill, like the House bill, cuts the corporate tax rate to 20 percent, something pretty much all the energy companies will like. And the bill provides a temporary ability to use 100 percent expensing of capital, a boon to capital-intensive energy industries like oil, natural gas, coal mining, and even renewables, though solar companies have an interaction between the Investment Tax Credit and expensing that may cause unpleasant side-effects.

- **Oil gets a change to treatment of foreign income:** ME noticed that oil comes up several times in the tax bill, but the one that jumped out was the oil industry got a \$4 billion boost from a change to the treatment of refining and pipeline operations overseas in the Senate bill, the same as it got in the House bill. An industry source told ME earlier in the week that the change actually has little impact on bottom lines, since it mostly changes in what tax year foreign subsidiaries transfer money up to parent companies. The source was baffled as to why the Joint Committee on Taxation gave it a score in the House version, and will no doubt still be baffled at the score in the Senate version.

- **Utilities keep their exception to the interest deduction changes.** The Senate bill cuts the amount of interest businesses can deduct, but utilities, who favor the provision much more than 100 percent expensing, get a carveout.

- **No home for the orphans:** Senate tax writers opted not to deal with a slew of expired energy tax credits that found homes in the House bill. Nothing for fuel cells, small wind, microturbines, or even the nuclear tax credit extension. And there appeared to be nothing related to a carbon capture and sequestration credit pushed by a bipartisan group.

- **Then again, windies can becalmed:** The senators also did not include the changes the House made to Production Tax Credit. Iowa Sen. Chuck Grassley has said the House bill didn't need to make its changes, since the PTC was already going to phase out under a 2015 agreement. "The Senate tax reform bill keeps a promise to America's more than 100,000 wind energy workers and restores the confidence of businesses pouring billions of dollars into rural America," Tom Kiernan, CEO of the American Wind Energy Association, said in a statement.

- **Charged up for EVs:** The Senate did not follow the House lead on electric vehicles, either.

While the House wiped out a \$7,500 tax credit, the Senate bill is silent.

Environmental groups are already trashing the effort. "The GOP is once again trying to redirect taxpayer money to the super-rich and super-polluting fossil fuel industry - and they expect us to pay for it by giving up our healthcare, our safety, and our children's future," Janet Redman, U.S. policy director for Oil Change International, said in one typical statement.

Bigger picture: There are massive differences between the House and Senate versions of the tax overhaul that signal hard bargaining lies ahead, POLITICO's tax gurus Aaron Lorenzo, Brian Faler and Bernie Becker [report](#). Their take: "Reconciling the House and Senate plans and getting sign-off from Trump is likely to be daunting." Score of the Senate proposal [here](#).

IT'S THE END OF THE WEEK AS WE KNOW IT! I'm your host Anthony Adragna, and the Renewable Fuels Association's Rachel Gantz was first to pick Rep. Candice Miller as the congresswoman turned public works commissioner. Your end-of-the-week puzzler: Which powerful governing body out West has two former members of Congress among its five slots? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#) and [@POLITICOPro](#).

CLIMATE HAWKS LAND IN BONN: Five Democratic senators - [Ben Cardin](#), [Ed Markey](#), [Sheldon Whitehouse](#), [Brian Schatz](#) and [Jeff Merkley](#) - are on the ground at the Bonn climate talks this weekend and will hold a call today at 12:30 p.m. to discuss their goals. But their message is clear: "We're not all nuts," Whitehouse told ME.

Still in it to win it: On Saturday, California Gov. Jerry Brown and former NYC Mayor Michael Bloomberg will unveil America's Pledge with a report detailing the scope of the actions planned by non-federal entities to fight climate change. Joining them to reiterate U.S. commitment to aggressive climate action: Cardin, UNFCCC Executive Secretary Patricia Espinosa, COP23 President and Fijian Prime Minister Frank Bainimarama and Pittsburgh Mayor Bill Peduto, among others.

Big spenders: The World Resources Institute announced Thursday a private cash infusion of \$2.1 billion in private funds to help restore degraded lands in Latin America and the Caribbean. "With more than \$2 billion of investments earmarked for Latin America alone, restoration is a climate solution that works and is a great investment," Walter Vergara, coordinator of the new push, said in a statement. More information [here](#).

**** Presented by ExxonMobil:** We're collaborating with FuelCell Energy on a novel idea to use fuel cells to capture carbon at natural gas power plants, and in the process reduce emissions and increase electrical output. This technology could be a game changer in addressing the world's growing need for energy, while also reducing the impact on the environment. [Learn more.](#) **

WHEN HE'S NOT WRITING OP-EDS: Energy Secretary Rick Perry, back from a trip to Paris this week, will headline a "roundtable discussion" in Houston on Monday afternoon on behalf of America First Policies, the pro-Trump political nonprofit, Campaign Pro's Maggie Severns [reports](#). America First has been quiet much of the year but is now pushing to give a jolt

to its fundraising and reassert its close ties to President Donald Trump. But Texas businessman Roy Bailey, who has deep ties to group, said Perry won't be there looking to raise funds. "It's a nice opportunity for people to understand what's going on at the Energy Department," Bailey said.

Remember: Interior Secretary Ryan Zinke has generated controversy and several investigations over his habit of mixing political activities with official government business.

CORNSTATERS NOT ALL SOLD ON WHITE: Kathleen Harnett White, Trump's pick to chair the Council on Environmental Quality, will need the support of all the Midwesterners on the Senate Environment committee if she's going to advance, and it looks like she still has some work to do on that front. Despite disavowing her previously staunch opposition to the Renewable Fuel Standard thanks to "new data" from Sen. Joni Ernst, White doesn't yet have Ernst's backing. "We're still debating that one," Ernst told ME. Veteran ME readers know the Iowa Republican extracted concessions from EPA on the RFS before backing new agency air chief Bill Wehrum.

Nebraska's Deb Fischer is also "still debating" White's nomination, and she is still looking for more information on how White would do her job. The CEQ chair doesn't have a regulatory role on RFS, but she would offer advice to Trump. "If you look at the questioning I had, I was looking at also how she would present options to the president," Fischer told ME. "That's going to be her job, not necessarily on the RFS, but where she gets her data from, how she prepares that and what kind of facts she has. We'll see how it shakes out."

Rounds a tentative yes: Mike Rounds of South Dakota said he's not totally on board, but, "I would lean yes as opposed to no." He thought she answered his questions well. "What I wanted to make sure people understood is that the RFS in its current form is the minimum we can do," he said.

PRUITT ADDRESSES ANTI-CLIMATE ACTION CONFERENCE: EPA Administrator Scott Pruitt delivered a two-minute video address to a conference in Houston sponsored by the Heartland Institute, the group that opposes action to fight climate change. "I want to say to you at the Heartland Institute, thanks for what you're doing to advance energy, thanks for what you're doing to advance natural resources," Pruitt said. "There's great optimism across the country and I pray you feel that in Houston, Texas."

PAUSED FURTHER: A federal appeals court once again ordered lawsuits over the Obama administration's Clean Power Plan held in abeyance for another 60 days, until Jan. 8, Pro's Alex Guillén reports. The D.C. Circuit ordered EPA to file status updates on its CPP repeal effort every 30 days.

BLUNT MESSAGE FOR BARRASSO: Whitehouse told ME he understands why Pruitt might not want to testify before the Senate EPW committee but that Chairman John Barrasso should not let him off. "There's a point where oversight becomes a responsibility irrespective of your loyalties," he said. "I think there will be really awkward questions for him and I think the farther he stays away from a forum where he has to tell the truth, the happier he is."

DOURSON REALLY IN TROUBLE? If a vote came up today, ranking member [Tom Carper](#) told reporters, Michael Dourson, Trump's pick to run EPA's chemicals office, wouldn't have the necessary votes. "Privately, in my conversations with a number of Republicans, they have expressed deep concerns," he said. "We're going to make sure at the end of the day that he does not have the votes." And North Carolina's [Thom Tillis](#) confirmed Wednesday he's not yet ready to back Dourson: "We've heard the concerns and we're working on getting the background information."

ZINKE SAYS HE'S READY TO MEET WITH DURBIN: Interior Secretary Ryan Zinke said in a [letter](#) Thursday said he would be "happy to meet ... to discuss any issue" involving the agency with Senate Minority Whip [Dick Durbin](#) who has put the confirmation of multiple Interior nominees on hold until he gets a meeting with the secretary to discuss his review of several dozen national monument designations. Zinke pointed out that he talked with a number of Democrats prior to sending the report to the White House in late August and also with Sen. [Tom Udall](#) in mid-September on the New Mexico Organ Mountains-Desert Peaks and Rio Grande Del Norte monuments. In a [tweet](#) Thursday, Zinke said he'd be "happy to talk monuments and nominees. Call anytime, Dick."

MORE INFORMATION SOUGHT ON PERRY'S PLAN: Four environmental groups - the Sierra Club, Earthjustice, the Environmental Defense Fund and the Natural Resources Defense Council - filed FOIA requests with [Energy](#) and [FERC](#) seeking information on the development of Energy Secretary Rick Perry's grid resiliency proposal to FERC. "It's outrageous that there is so little transparency at DOE that we have to repeatedly file these Freedom of Information Act requests instead of Rick Perry simply allowing the public and energy stakeholders to inform the policy making process," the Sierra Club's Mary Anne Hitt said in a statement.

HERE'S SOMETHING: The compromise version of the National Defense Authorization Act would require the Pentagon to rank the top 10 installations in each military branch's that are the most vulnerable to the effects of climate change over the next two decades, Pro Defense's Connor O'Brien [reports](#). Conservatives sought to take out the provision during House floor debate earlier this year, but Democrats and moderate Republicans teamed up to leave it in.

ZINKE DENIES IMPROPRIETY IN WHITEFISH DEALINGS: During an interview with Fox News late Thursday, Zinke denied playing any role in his son landing a job with controversial Whitefish Energy - "he got a job by himself" - and said he had no role in the Montana-based company getting a now-cancelled contract to repair Puerto Rico's electric grid. "I didn't have any influence, didn't have any knowledge of the contract. Puerto Rico is not under Interior. And those elitists that would think from being a small town somehow is a crime, shame on ya," he said.

MAIL CALL! CONSERVATIVES ENDORSE 'BIGGER' MONUMENT REVIEW: Twenty-four House Republicans sent a [letter](#) to Trump Thursday urging him to "think big and act bigger" as he mulls final recommendations about what to do to a host of prior national monument designations. It recommends the outright rescission of several monuments and significant downsizing of others. "We ask that you take these recommendations to heart and that

you not be deterred by a few vocal special-interests groups from finishing what you set out to accomplish with this review," they wrote.

Democrats to GAO: Expand adviser probe: Ten members of the Senate Democratic caucus, led by Whitehouse, asked GAO in a Thursday [letter](#) to expand its existing probe into EPA scientific advisory appointments to evaluate Pruitt's new order barring scientists who receive grants from serving on advisory boards. "When a policy, like this one, does not on its face address the problem it purports to solve it should get exacting scrutiny to determine what in fact its true purpose is," they wrote.

How about that coal memo? Frustrated by the lack of response from the White House and EPA, Whitehouse [demanded](#) Murray Energy head Bob Murray turn over a copy of the three-page "action plan" he gave to the administration. The document became a [major focus](#) of Andrew Wheeler's nomination hearing to be EPA deputy administrator on Wednesday.

Think of us: The Petroleum Marketers Association of America sent a letter to Barrasso on Thursday asking him to urge the Trump administration "to reduce the ethanol mandate given that the [underground storage tank] system compatibility issues present severe economic harm to small businesses" as senators discuss the RFS with administration officials. Link [here](#).

ETHANOL, GRAINS PRODUCERS WANT BRAZIL PUNISHED: U.S. ethanol and grains producers are urging the U.S. Trade Representative to suspend Brazil's tariff benefits under the Generalized System of Preferences, which grants tariff relief on imports from developing countries, because of complaints that the South American country has put in place a restrictive quota on ethanol imports. "Brazil's decision to engage in protectionist trade measures as a result of a short-term and market-oriented deficit against the largest agriculturally related product imported from the U.S. is not in keeping with the spirit of the GSP program," the Renewable Fuels Association, Growth Energy and the U.S. Grains Council wrote in a [letter](#) to Lighthizer on Thursday.

SKEPTICISM OVER CBO'S ANWR ESTIMATE: Count Taxpayers for Common Sense among the deep skeptics that Senate Energy Chairman [Lisa Murkowski](#)'s proposal to open ANWR would generate more than \$1 billion in revenue over the next decade, as the Congressional Budget Office estimated it would. The non-partisan group forecasts that oil and gas companies would have to bid at levels 10 times higher than historic norms to meet the \$1 billion CBO estimates would flow into federal coffers. "If Congress were to enact legislation that opened up the 1002 Area to oil and gas leasing, it is unlikely - near to the point of impossibility - that such leasing would generate the amount of revenue to the Treasury that the CBO predicts," the group's new [fact sheet](#) states. It released a second fact sheet outlining [a series of other options](#) to raise revenue through federally-owned natural resources.

California's dirty secret? The Center for Biological Diversity released a report finding three-quarters of California's oil is as harmful to the environment as Canadian tar sands. Link [here](#).

High stakes in the desert: Failing to keep the Navajo Generating Station open could put at risk the reliability of Arizona's electric grid and the regional power supply, according to [a study](#)

funded by coal giant Peabody Energy. Among the cities potentially hardest hit include Phoenix, Scottsdale, Tucson and Flagstaff, according to the study. Summary link [here](#).

NO FUN! Amid [reports](#) the National Park Service is considering closing the National Mall to softball and frisbee games permanently, the Sierra Club's DC-based softball team, the Conservation Laborers Against Wrong, vowed a fight. "Maybe the hundreds of Congressional Republican staffers who play organized softball every summer will let Zinke and Trump know there is nothing to drill or mine for underneath the Mall," the team's coach Lauren Lantry quipped.

BLOWN AWAY? Facebook co-founder Mark Zuckerberg visited an Oklahoma wind farm where he said "it's clear that wind and renewables are the future." Full post [here](#).

QUICK HITS

- Millions Of Puerto Ricans Just Lost Power Again After A Line Repaired By Whitefish Energy Failed. [BuzzFeed](#).
- With Christie Out, New Jersey Poised To Rejoin New England In Climate Pact. [WNPR](#).
- As China Moves To Other Energy Sources, Its Coal Region Struggles To Adapt. [NPR](#).
- Oil prices rise on supply cuts and political tensions in Saudi Arabia. [Reuters](#).
- One of the World's Biggest Miners Is About to Go Coal-Free. [Bloomberg](#).
- FitzPatrick Nuclear Power Plant experiences leak within facility. [WSKG](#).

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By Kevin Robillard | 11/10/2017 10:00 AM EDT

With Daniel Strauss and Maggie Severns

ALABAMA BOMBSHELL - "Woman says Roy Moore initiated sexual encounter when she was 14, he was 32," by the Washington Post's Stephanie McCrummen, Beth Reinhard and Alice Crites: "Leigh Corfman says she was 14 years old when an older man approached her outside a courtroom in Etowah County, Ala. She was sitting on a wooden bench with her mother, they both recall, when the man introduced himself as Roy Moore. ... Alone with Corfman, Moore chatted with her and asked for her phone number, she says. Days later, she says, he picked her up around the corner from her house in Gadsden, drove her about 30 minutes to his home in the woods, told her how pretty she was and kissed her. On a second visit, she says, he took off her shirt and pants and removed his clothes. He touched her over her bra and underpants, she says, and guided her hand to touch him over his underwear. ... Aside from Corfman, three other women interviewed by The Washington Post in recent weeks say Moore pursued them when they were between the ages of 16 and 18 and he was in his early 30s, episodes they say they found flattering at the time, but troubling as they got older. None of the three women say that Moore forced them into any sort of relationship or sexual contact." [Full story.](#)

- "Republicans might be stuck with Roy Moore," by Daniel Strauss, Elana Schor and Kevin Robillard: "GOP leaders desperately want Roy Moore off the ballot. But they have neither the legal nor the political leverage to force the defiant ex-judge out of the race. Senate Majority Leader [Mitch McConnell](#) and a host of other Republican senators called on Moore to drop out of the race Thursday if there were truth to the accounts of four women who told The Washington Post that Moore pursued relationships with them while they were teens and he was in his 30s. The news sent Republican operatives scrambling to parse the dusty sections of Alabama state law that deal with replacing candidates on the ballot. ... 'Judge Roy Moore has endured the most outlandish attacks on any candidate in the modern political arena, but this story in today's Washington Post alleging sexual impropriety takes the cake,' Moore campaign chairman Bill Armistead said in a statement. 'National liberal organizations know their chosen candidate Doug Jones is in a death spiral, and this is their last ditch Hail Mary.' Though Republicans have begun looking into options to replace Moore, Alabama law requires the candidate roster on the ballot to be set 74 days before an election. If Moore does withdraw, however, any votes cast for him would not count. Sen. [Lisa Murkowski](#) (R-Alaska) and other Republicans have suggested that GOP Sen. [Luther Strange](#), the appointed senator who lost to Moore in the special primary, could put himself forward as a write-in candidate." [Full story.](#)

- What Luther Strange told the Associated Press when asked if he would reenter the race: "Well, that's getting the cart ahead of the horse. But I will have something to say about that. Let me do some more research."

- What White House press secretary Sarah Huckabee Sanders told the press pool: "Like

most Americans the president believes we cannot allow a mere allegation, in this case one from many years ago, to destroy a person's life. However, the president also believes that if these allegations are true, Judge Moore will do the right thing and step aside."

- What Democrats are thinking: Neither the DSCC nor Jones' campaign rushed to put out a statement, and Jones' eventual statement was brief: "Roy Moore needs to answer these serious charges." If Strange or another Republican mounts a write-in campaign, it gives Jones a better chance of winning with a vote total in the 40 percent range. But don't expect any rash excitement about their chances in such a deep-red state.

- What McConnell world is thinking: If we let Steve Bannon control our primaries, we're going to keep ending up with scandal-ridden candidates. Even if Moore survives this, candidates in more competitive states won't.

- What Bannon world is thinking: A few weeks ago, McConnell's people were saying Bannon had nothing to do with Moore's win. Moore is strongly denying the accusations, and like President Donald Trump, will probably survive this.

- "Moore fundraises off of report alleging relationships with teenagers," by Campaign Pro's Daniel Strauss: "A defiant Moore, who faced calls from fellow Republicans to end his Senate campaign Thursday, cast the story as a political conspiracy against him and called the story 'lies,' asking 'God-fearing conservatives' to help him carry on. 'The Obama-Clinton Machine's liberal media lapdogs just launched the most vicious and nasty round of attacks against me I've EVER faced,' Moore wrote in the fundraising email. 'I won't get into the details of their filthy and sleazy attacks.'" Full story.

- Democratic senators launch money blitz for Jones: Some of the best online fundraisers among Senate Democrats sent out fundraising e-mails for Doug Jones last night, including Connecticut's Chris Murphy, California's Kamala Harris, New York's Kirsten Gillibrand and Massachusetts' Elizabeth Warren. Gillibrand's e-mail was the only one to directly reference the allegations in the Washington Post story. "If you've followed the Senate special election in Alabama at all, you know Roy Moore is unfit for office - and recent allegations that he sexually assaulted a 14-year-old girl are utterly disgusting," Gillibrand writes.

- The pols with ties to Moore: Moore had garnered increasing support from Washington Republicans in recent months. Dozens of Republicans including six GOP senators - Steve Daines, Ted Cruz, John Cornyn, Rand Paul, Mike Lee and Cory Gardner - endorsed Moore prior to Thursday's bombshell story. Paul and Lee recently hosted a fundraiser for Moore, and he formed a joint fundraising committee with the NRSC and the RNC. Moore has received campaign donations from Rep. Andy Harris (\$2,000), Rep. Jeff Duncan (\$1,000) and Rep. Thomas Massie (\$1,000) - as well as former Rep. Todd Akin (\$2,700), who still has a leadership PAC.

HOW VIRGINIA HAPPENED - "How Gillespie's MS-13 play backfired in Virginia," by Campaign Pro's Kevin Robillard: "The ads from Republican Ed Gillespie's campaign would define and drive conversation about the Virginia governor's race - and not in the way Gillespie

wanted. The race ended in a resounding win for [Democrat Ralph] Northam on Tuesday night, driven by high turnout from the so-called Obama coalition of white college-educated voters, minorities and young people. The ads would betray Gillespie's repeated warnings about the GOP's need to reach out to Hispanic voters. And, according to Democrats, they would create a backlash that helped drown him. 'Gillespie's MS-13 ads, his race-baiting with the statues, his very strong anti-immigrant rhetoric completely backfired,' said Matt Barreto, the managing partner of Democratic polling firm Latino Decisions. 'Voters recognized that Gillespie heavily racialized this campaign.' All the while, Northam's campaign would rely on the lieutenant governor's authenticity to rebut the attacks. National Democrats fretted about the energy backing Northam's campaign, and commentators slammed his television ads as boring. But the campaign stuck to its message, seeing little movement in the polls. They planned for a worst-case scenario of low Democratic turnout, but ultimately knocked on more doors than Hillary Clinton's campaign in the state had a year earlier and won by an unexpected 9-point margin. 'Reporters wanted us to say something new, but we didn't because we knew what voters needed to hear about Northam,' Brad Komar, Northam's campaign manager, said in an interview. 'I think folks interpreted discipline as boring. Discipline is effective.'" [Full story.](#)

- "One big takeaway from Virginia? Authenticity is essential," by Jesse Ferguson in The Hill: "If there's one thing Virginia voters learned about Ralph Northam before they propelled him to a decisive victory Tuesday night, it's who he is. Northam isn't flashy. He's a doctor and a veteran; a public servant focused on taking care of kids. They knew who he was." [Full story.](#)

Days until the 2018 election: 361.

Thanks for joining us! You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com, dstrauss@politico.com and mseverns@politico.com.

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THE MONEY CHASE - "Perry to headline Texas event for pro-Trump outside group," by Campaign Pro's Maggie Severns: "Energy Secretary Rick Perry will attend an event in Texas next week put on by America First Policies, the pro-Trump political nonprofit, according to an invitation obtained by POLITICO. The invitation, which was sent to a Republican donor, says that Perry will headline a 'roundtable discussion' in Houston on Monday afternoon. Details of the event's location will only be available to those who RSVP shortly before the event, the invitation said. Perry's trip to Texas comes at an auspicious moment for America First Policies and its affiliated super PAC, America First Action. The organization is working to lock in support from donors and establish itself as a center of gravity for pro-Trump activity with close ties to the Trump administration. ... Perry has deep ties to both the energy industry and donors in Texas, which helped power his two presidential runs. But Perry will not be in Houston asking for funds, said Texas businessman Roy Bailey, who is deeply involved in America First Policies. 'It's a nice opportunity for people to understand what's going on at the Energy Department,' Bailey said." [Full story.](#)

- **Stewart fundraiser promises jacuzzi:** An invitation to a "MAGA-evening fundraiser" for Virginia Senate candidate Corey Stewart's campaign next week promises "hors d'oeuvres, 3-hour open bar and DJ" and notes: "This will be a business casual event with a casual atmosphere. There is an outdoor Jacuzzi. We recommend attendees bring swimsuits." Tickets are \$100 a head. **View the [invite](#).**

THE DAILY MENENDEZ - "Dismissed Menendez juror: 'I don't think he did anything wrong,'" by Matt Friedman in Newark: "A juror who was excused Thursday afternoon from U.S. Sen. [Bob Menendez](#)'s federal corruption trial said that if she had stayed on, she would have found Menendez 'not guilty on every charge.' Evelyn Arroyo-Maultsby also said other jurors' feelings about the case are mixed and she believes the result may be a hung jury. Arroyo-Maultsby made the comments to a few reporters outside the federal courthouse in Newark, moments after leaving the trial to begin a previously-scheduled vacation in the Bahamas." **[Full story](#).**

THE 'I' WORD - "Steyer to drop another \$10M on Trump impeachment ads," by POLITICO's Gabriel DeBenedetti: "Democratic billionaire Tom Steyer said Thursday that he's adding \$10 million to his national television ad campaign calling for President Donald Trump's impeachment. Speaking on a conference call outlining the public support for his effort, Steyer also said he would fund two new ads in addition to the one that's been backed by an existing \$10 million buy. More than 1.9 million Americans have now signed his weeks-old petition to impeach Trump, Steyer said on the call." **[Full story](#).**

- **"Democratic congressional candidate from Miami calls for impeaching Trump," by the Miami Herald's Patricia Mazzei:** "Miami congressional candidate Mary Barzee Flores called for President Donald Trump's impeachment Wednesday. ... Barzee Flores cited at least six reasons for Congress to impeach the president, including firing former FBI Director James Comey and hiring Michael Flynn - who has since been fired - as national security adviser despite having ties to Russia." **[Full story](#).**

GAFFE CITY - "Dem candidate: It 'shouldn't take brain cancer' for John McCain to show courage," by the Washington Examiner's Al Weaver: "I've been tweeting on occasion about saluting Bob Corker and John McCain and Jeff Flake - men who have shown a little bit of courage speaking truth to their own party," said Dean Phillips, who is running for a House seat in Minnesota. 'But it shouldn't take brain cancer and the retirement from the Senate to do so.' Phillips is running against Rep. Erik Paulsen, R-Minn., in the state's 3rd Congressional District. ... Phillips later apologized to McCain." **[Full story](#).**

RETIREMENT WATCH - "Goodlatte to retire after 2018," by Campaign Pro's Elena Schneider: "Rep. Bob Goodlatte, the term-limited chairman of the powerful House Judiciary Committee, said on Thursday that he will not seek reelection in 2018. ... In the last week, three Texas congressman - Jeb Hensarling, Ted Poe and Lamar Smith - also left safely conservative seats behind. Hensarling and Smith were also term-limited as committee chairmen. As recently as July, Goodlatte's staff sought to squash rumors that the 65-year-old congressman planned to retire. Goodlatte's decision opens a Republican-leaning seat, nestled in the Shenandoah Valley, which backed President Donald Trump by a 24-point margin." **[Full story](#).**

PRIMARY CONCERNS - "Gabby Giffords' anti-gun violence group backs Abrams in Georgia governor race," by the Atlanta Journal-Constitution's Greg Bluestein: "Both Abrams and her Democratic opponent, former state Rep. Stacey Evans, have called for stiff new gun restrictions, marking something of a sea change for Democratic candidates for governor in Georgia. ... But one vote might have helped Abrams secure the backing of Courage to Fight Gun Violence, the Giffords group once known as Americans for Responsible Solutions. A measure passed to little fanfare in 2012 prohibited the destruction of firearms by local law enforcement during criminal investigations, and required cities and counties to auction off the guns they collected within six months. Abrams voted against Senate Bill 350, Evans backed it." [Full story.](#)

2018 WATCH - "Democrat Pappas announces candidacy for 1st District US House seat," by WMUR's John DiStaso and Adam Sexton: "Stressing the importance of constituent service and a commitment to helping to break the gridlock in Washington, Chris Pappas of Manchester announced his candidacy for the open 1st District U.S. House seat Thursday morning. Speaking exclusively to WMUR at the Puritan Backroom, a popular restaurant that has been under the ownership of his family for 100 years, the three-term Democratic executive councilor said that he arrived at the final decision after speaking with Granite Staters throughout the district." [Full story.](#)

AROUND THE MAP - Quick takes from across the country:

SENATE

Indiana: Iraq War veteran Martin Del Rio may challenge Democratic Sen. [Joe Donnelly](#) in the primary, [The Journal-Gazette reports.](#)

Wisconsin: "GOP Senate hopeful Kevin Nicholson supported Rosie O'Donnell's gun control views," [Fox6 reports.](#)

HOUSE

CO-06: Trump-backing Republican Roger Edwards will challenge Rep. [Mike Coffman](#) in the GOP primary, the [Denver Post reports.](#)

NC-02: A Democrat challenging Republican Rep. [George Holding](#) said a DCCC attack on Holding was "tasteless and insensitive," the [News and Observer reports.](#)

VA-10: "After Virginia blowout, Comstock's road to reelection grows steeper," the Washington Post [reports.](#)

GOVERNOR

Michigan: State Sen. Patrick Colbeck, a Republican candidate, said he was supposed to speak at an event featuring former White House chief of staff Steve Bannon but was pulled at the last minute, according to [The Detroit News' Jonathan Oosting.](#)

South Carolina: All three GOP candidates for governor plan to attend former White House strategist Steve Bannon's speech at The Citadel, The Post and Courier reports.

CODA - QUOTE OF THE DAY: "Take the Bible. Zachariah and Elizabeth for instance. Zachariah was extremely old to marry Elizabeth and they became the parents of John the Baptist. Also take Joseph and Mary. Mary was a teenager and Joseph was an adult carpenter. They became parents of Jesus." - Alabama Auditor Jim Ziegler to the Washington Examiner.

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From: Anna Palmer and Jake Sherman
Sent: Mon 5/22/2017 5:35:39 PM
Subject: Playbook Power Briefing, presented by the Coalition for Affordable Prescription Drugs (CAPD): TRUMP visits the Western Wall -- N.C. districts ruled unconstitutional by SCOTUS -- ZUCKERBERG says he's not running for office -- BRIAN STELTER's first kid

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Today's Playbook Power Briefing presented by the Coalition for Affordable Prescription Drugs
(CAPD)
05/22/2017 01:33 PM EDT

By ANNA PALMER (anna@politico.com; [@apalmerdc](https://twitter.com/apalmerdc)), JAKE SHERMAN (sherman@politico.com; [@JakeSherman](https://twitter.com/JakeSherman)), DANIEL LIPPMAN (daniel@politico.com; [@dlippman](https://twitter.com/dlippman)), ZACH MONTELLARO (zmontellaro@politico.com; [@ZachMontellaro](https://twitter.com/ZachMontellaro))

Happy Monday afternoon.

A BUNCH OF IMPORTANT NEWS BITES FROM THIS MORNING -- BLOOMBERG'S MARGARET TALEV asked Prime Minister Benjamin Netanyahu about President Donald Trump sharing Israeli intelligence with Russia. Trump said: "I never mentioned the word or the name Israel. Never mentioned during that conversation," he said. "They're all saying I did, so you have another story wrong. Never mentioned the word Israel." Netanyahu said cooperation between the U.S. and Israel on intelligence matters has never been better. (via pooler Carol Lee of the WSJ) **Video** <http://bit.ly/2rKRGXi>

-- FOR THE RECORD: No reports ever suggested the president directly mentioned that any intelligence was from Israel. In fact, H.R. McMaster pointedly said Trump did not know the source of the intelligence.

IN THE OLD CITY -- PRESIDENT TRUMP, First Lady Melania Trump, Jared Kushner, Ivanka Trump, Gary Cohn, David Friedman, Jason Greenblatt, Secretary of State Rex Tillerson, National Security Adviser Gary Cohn Sean Spicer, Hope Hicks and Dina Powell visited the Western Wall in Jerusalem, becoming the first sitting president to do so. From our colleague Annie Karni, today's pooler: "Trump touched the Wall with his right hand and stared straight ahead, swaying back and forth slightly. After a long, reflective pause in that position, he stuck his note into a crack in the wall (Spicer said he would get back to us about what the note said). Trump then took a deep sigh, turned toward the cameras and media, and seemed to mouth 'thank you' at the press riser."

NETANYAHU and his wife Sara later gave the president and first lady a tour of the prime minister's residence and presented the Trumps with a 150-year-old bible. In statements afterward, Netanyahu said that "for the first time in my lifetime, I see a real hope for change" in the Middle East and declared that "there's no city on earth where you are more welcome than right here with us in Jerusalem." Trump praised his host for "his commitment to pursuing the peace process." He said they're "working very hard at

it. It's not easy. I've heard it's one of the toughest deals of all. But I have a feeling we're going to get there eventually. I hope."

SARA NETANYAHU talks with Melania Trump about how Israelis love her even if the media doesn't. <http://bit.ly/2q2LMo1>

-- **BULLETIN:** "WASHINGTON (AP) - AP Source: Michael Flynn to decline Senate Intel committee subpoena, invoke 5th Amendment later today." **REMEMBER** : Top officials in the Trump White House -- like Sean Spicer and Reince Priebus -- had previously equated pleading the fifth to guilt when Hillary Clinton's aides were involved.

-- **MORE NEWS:** "ANKARA, Turkey (AP) - Turkey summons U.S. ambassador to protest 'aggressive' action against Turkish bodyguards in Washington." **AP'S JOSH LEDERMAN** notes that U.N. Ambassador Nikki Haley has just landed in Ankara.

NIKKI HALEY ON NORTH KOREA to Craig Melvin on TODAY: "All options are on the table ... We have made it very clear we don't want to start a fight, so don't give us a reason to have one." She also talked about Syria, saying "you are going to hear me talk about how awful Assad is every chance I get." **Video** <http://on.today.com/2rL83Ts>

BACK TO THE DRAWING BOARD -- "Supreme Court rules North Carolina congressional districts unconstitutional," by Scott Bland and Elena Schneider: "The Supreme Court ruled today that two North Carolina congressional districts were drawn unconstitutionally, affirming a previous district court decision against the state's redistricting and leaving in place a remedial congressional map drawn for the 2016 elections, pending an additional gerrymandering case. The ruling centered on two Democratic-held districts and found that Republican state legislators, in drawing the congressional map earlier this decade, 'packed' African-American voters into those districts to dilute the power of their votes in other congressional seats. ...

"**While this Supreme Court ruling** will not result in additional changes to the North Carolina congressional map, there is another case pending before the Supreme Court, suing North Carolina legislators over the remedial map that was draw in 2015. This suit accuses the Republican legislators of gerrymandering based on partisanship, a new legal tack that Democrats are pushing in several court cases around the country. ... Justices Stephen Breyer, Ruth Bader Ginsburg, and Sonia Sotomayor joined Kagan in the majority alongside Clarence Thomas - an unusual majority combination." <http://politi.co/2rL1ujZ>

-- **@charlescwooke:** "Unusual, but makes sense as Thomas's view is that all racial-based gerrymandering-inc. in VRA- is unconstitutional."

***** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** As list prices for brand drugs continue to rise, employers are partnering with PBMs to keep drug costs under control. In fact, every dollar an employer invests in a PBM service returns six dollars in savings. Learn more at www.affordableprescriptiondrugs.org. *****

TRACKING THE PRESIDENT -- POLITICO has set up a new Twitter account for our unofficial White House visitor logs. Our colleagues are tracking who visits the White House from our sources, media reports and more and this Twitter account will now tweet out a daily digest of who stopped by the White House. <http://bit.ly/2rKWU5j>

DRAIN THE SWAMP? -- "White House Moves to Block Ethics Inquiry Into Ex-Lobbyists on Payroll," by NYT's Eric Lipton: "The Trump administration, in a significant escalation of its clash with the government's top ethics watchdog, has moved to block an effort to disclose any ethics waivers granted to former lobbyists who now work in the White House or federal agencies.

"The latest conflict came in recent days when the White House, in a highly unusual move, sent a letter to Walter M. Shaub Jr., the head of the Office of Government Ethics, asking him to withdraw a request he had sent to every federal agency for copies of the waivers. In the letter, the administration challenged his legal authority to demand the information. Dozens of former lobbyists and industry lawyers are working in the Trump administration, which has hired them at a much higher rate than the previous administration. Keeping the waivers confidential would make it impossible to know whether any such officials are violating federal ethics rules or have been given a pass to ignore them." <http://nyti.ms/2rLhF0G>

MEANWHILE... -- CNBC'S KAYLA TAUSCHE: "The House of Representatives and Department of Justice plan to ask the District of Columbia federal appeals court Monday to keep on hold for another 90 days a lawsuit that questions the legality of cost-sharing subsidies in the Affordable Care Act, according to four people familiar with the matter.

"The White House, during that time, will continue to make payments to insurers, according to a senior administration official. The payments, called 'cost-sharing reductions,' represent billions of dollars annually to the insurance industry to offset plans for low-income participants on the ACA exchanges.

"Insurers intending to offer plans on Obamacare exchange in 2018 must submit their proposed pricing in the coming days and weeks. If the executive branch had decided Monday to drop its defense of the case - which would then let stand a federal judge's decision that the payments to insurers were illegal - insurers were expected to request even higher premium rates for Obamacare health plans next year than they otherwise would have. However, the delay in resolving the case will continue uncertainty over the fate of the cost-sharing subsidies, which also could cause insurers to price plans higher to reflect the chance the money might go away by next year." <http://cnb.cx/2q3cxll>

NOT RIGHT NOW, AT LEAST -- "Mark Zuckerberg: I'm not running for office," by CNN's Kaya Yurieff: "Facebook CEO Mark Zuckerberg said his New Year's resolution to visit and meet people from every U.S. state this year doesn't mean he's currently running for public office. ... For now, at least, Zuckerberg insisted in his post that the

point is 'to get a broader perspective to make sure we're best serving our community of almost 2 billion people at Facebook and doing the best work to promote equal opportunity at the Chan Zuckerberg Initiative.'" <http://cnnmon.ie/2rKuRCT> ... **Zuck's post** <http://bit.ly/2rKHDBx>

PLAYBOOK INBOX -- WHAT THE WHITE HOUSE WANTS YOU TO SEE -- The White House's comms shop is sending around positive coverage from Middle Eastern regional newspapers following President Trump's visit to Saudi Arabia. <http://politi.co/2rKITo0>

-- **A group of 225 business leaders**, including executives from Walmart, Loews, Land O'Lakes, Pfizer and Coca-Cola, sent a letter to Secretary Tillerson urging him to protect USAID funding. <http://politi.co/2rL2kxI>

USED NEWS -- POLITICO, May 1: "How Uber lost its way in the Steel City," by Ashley Gold: "This city was supposed to be a bright spot for Uber ... Instead, the ride-hailing company's sharp-elbowed tactics have alienated political leaders in Pittsburgh too" <http://politi.co/2rLt9kY> ... **NYT, today: "Pittsburgh Welcomed Uber's Driverless Car Experiment. Not Anymore,"** by Cecilia Kang: "When Uber picked this former Rust Belt town as the inaugural city for its driverless car experiment, Pittsburgh played the consummate host. ... Nine months later, Pittsburgh residents and officials say Uber has not lived up to its end of the bargain." <http://nyti.ms/2qcC11F>

MEDIAWATCH -- "Facebook is testing products to connect its users to local news," by Poynter's Kristen Hare: "The tests are on three products: One points users in community-linked Facebook groups to additional local news. Another, launching Tuesday, offers users who make their cities of residence public a badge identifying them as a local when they comment on a local publisher's stories. A third helps people find local groups." <http://bit.ly/2rKQao0>

NEW GROUP -- RISE TO RUN, a new organization that is aiming to push young, progressive women to run for office has officially launched. The group is training high school and college-aged women and was founded by Shannon Watts and Helen Brosnan. The national advisory board includes Brynne Craig, Donna Edwards, Ilyse Hogue, Sarah McBride, Natalie Montelongo, Gavin Newsom, Brittany Packnett, Symone Sanders, Megan Smith, Kara Swisher, Jamia Wilson and Nanxi Liu. <http://politi.co/2rKMiDs>

SAVE YOUR METAPHOR ALERTS -- The town of Palm Beach announced that a 4' by 4' sinkhole formed "directly in front of Mar-a-Lago." <http://bit.ly/2rKZ0Cf>

TRANSITIONS -- **Sara Decker** has been named director of federal government affairs at Walmart; she previously was legislative director for Sen. Marco Rubio (R-Fla.).

ENGAGED -- **Dennis Frederick Craig II**, external affairs manager at No Labels, got engaged to **Rykia Genae Dorsey**, press secretary for Rep. Maxine Waters (D-Calif.).

He proposed in front of her whole family in Atlanta, Ga. over the weekend. They met at Howard University in undergrad. **Pic** <http://bit.ly/2qM0E9t>

WEEKEND WEDDING - Paige Lavender, senior politics editor at HuffPost, on Saturday married **Nicholas Ward**, J.D. candidate at AU's Washington College of Law - the couple has been together for almost 9 years. The ceremony was in Charleston, W.Va., right across the river from the state capitol. **Pics** <http://bit.ly/2q9enDW> ... <http://bit.ly/2rsQFqs> **SPOTTED:** Ashley Alman, Mollie Reilly, Sam Levine, Marina Fang, Max Rosenthal and Amber Ferguson.

WELCOME TO THE WORLD -- BRIAN STELTER, host of CNN's "Reliable Sources" and senior media correspondent, and **JAMIE STELTER**, NY1 traffic reporter, email friends and family: "It's a GIRL ... Sunny Ray Stelter was born Sunday, May 21 at 1:24 p.m. (Almost in time for Reliable Sources!) She weighs 6 pounds 13 ounces and is all sunshine. Jamie and I are over the moon and can't wait for everyone to meet our sweet SUNNY." **Pics** <http://bit.ly/2q2PH4f> ... <http://bit.ly/2q2VMxr>

-- **Caitlin Andrews Sickles**, director of Bracewell LLP and **Ryan Sickles**, CSIS alum now senior director of Bowergroupasia, which works on foreign direct investment in the Asia-Pacific, on Tuesday welcomed Declan Smith Sickles. **Pics** <http://bit.ly/2qH7NY4> ... <http://bit.ly/2rlqppk>

OUT AND ABOUT -- The Gay & Lesbian Victory Fund had their national champagne brunch yesterday at the Omni Shoreham hotel. **SPOTTED:** Sen. Tammy Baldwin (D-Wis.), Rep. Mark Takano (D-Calif.), South Bend Mayor Pete Buttigieg (D), Connecticut state Comptroller Kevin Lembo (who has an exploratory committee for a gubernatorial run), Atlanta mayoral candidate Cathy Woolard and Victory Fund President and CEO Aisha C. Moodie-Mills.

-- **D.C. techies celebrated innovation** in Silicon Valley Sunday. Dhanurjay "DJ" Pati, former Chief Data Scientist of the United States Office of Science and Technology Policy; Devika Patil, IFE digital ambassador; Coach Kathy Kemper, IFE CEO and founder; Ryan Panchadsaram, deputy chief technology officer; Todd Park, former U.S. chief technology officer; all gathered at the home of DJ and Devika Patil in Atherton, Calif. **SPOTTED:** Raj Shah, Christopher Kirchhoff, Kristen Honey and Karl Mehta.

***** **A message from the Coalition for Affordable Prescription Drugs (CAPD)** One in two Americans rely on their employers to provide health care benefits. So, employers partner with PBMs to provide access to effective medications at the most affordable price. PBMs drive savings in part by using clinical expertise to identify generic alternatives that achieve the same health outcomes for a lower price. With generics accounting for 89 percent of prescriptions filled in 2015, but only 27 percent of drug costs, that represents a savings of \$227 billion across the U.S. health care system in just one year. Learn more at www.affordableprescriptiondrugs.org. *****

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Fri 11/10/2017 3:02:24 PM
Subject: POLITICO's Morning Transportation, presented by the Association of American Railroads: DOT nominees get their moment in the Senate spotlight — Register that drone — Will Grover Norquist doom the infrastructure bill?

By Tanya Snyder and Lauren Gardner | 11/10/2017 10:00 AM EDT

With help from Stephanie Beasley and Brianna Gurciullo

BIG WHEEL KEEP ON TURNING: The slate of pending DOT nominees is in the spotlight in the Senate, with at least one set to be approved next week. Derek Kan - a former staffer for Senate Majority Leader Mitch McConnell who has been serving as a senior adviser at the department while awaiting confirmation - inched one step closer to it Thursday, with senators voting 87-9 to limit debate on his nomination to be undersecretary of transportation for policy. That hurdle passed, his nomination is all but cinched pending a final vote.

Future's so bright: Senate Commerce Chairman John Thune (R-S.D.) brought some shade to the chamber floor immediately following the cloture vote, blasting the New York and New Jersey delegations for holding "hostage" the nominations of Kan, Ron Batory to be FRA administrator and Adam Sullivan to be an assistant secretary for legislative affairs over the Trump administration's dithering on providing federal funding to the Gateway Program. "While no one questions the importance of this corridor, there are many other important projects that also are awaiting approval and funding at the department," Thune said. "No project should get to cut the line based on the machinations of a handful of our Democratic colleagues." The three senators from the region present Thursday - Democratic Leader Chuck Schumer, Cory Booker and Kirsten Gillibrand - all voted no on cloture for Kan. Booker told Lauren earlier this week he had "nothing new to report" on his interactions with the administration on Gateway.

Next up: Shortly after the Kan vote, McConnell filed cloture on the nomination of Steven Bradbury to be DOT's general counsel. Bradbury's nod has drawn sharp criticism from Democrats who take issue with his having written three secret memos justifying torture while working at President George W. Bush's Justice Department. Sen. John McCain (R-Ariz.) has indicated that he'll oppose Bradbury's confirmation vote next week. But, as Elana Schor reports, another key swing vote - Sen. Susan Collins (R-Maine) - said Thursday that she would support Bradbury. "His role was not developing the policy," Collins told POLITICO. "His role was as an attorney within the Justice Department, and he's obviously not going to have anything to do with this issue at DOT."

FRIYAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Tanya is at the MT helm. Send tips, feedback and song lyrics to tsnyder@politico.com or [@TSnyderDC](https://twitter.com/TSnyderDC).

"But I would walk 500 miles / And I would walk 500 more / Just to be the man who walks a thousand miles / To fall down at your door."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than with songs (picked by us and readers) about lonely highways and south-bound trains?

HOME FOR THE HOLIDAYS: The defense authorization bill (H.R. 2810 (115)) agreed to by House and Senate negotiators this week includes language to reinstate FAA's registration rule for small drones, Lauren reports. The regulation was scrapped in May by a federal appeals court who agreed that an earlier FAA authorization law forbade the agency from setting such a mandate for "model aircraft." The House and Senate FAA bills (H.R. 2997 (115), S. 1405 (115)) addressed the issue, but Pros know a final deal on the FAA reauthorization is going to take some time.

NOW OR NEVER: There will be no infrastructure plan if tax overhaul revenues aren't used to pay for it, Rep. John Delaney (D-Md.) told MT today. White House officials say they're open to allowing a vote on the gas tax, for instance -- but later, when Congress takes up an infrastructure plan, not as part of the tax bill. "Clearly they have provisions in the tax reform that [are] raising revenues, and having the gas tax in there could have been easily part of this bill," he said. Alternately, Republicans also could set aside \$200 billion in the tax bill for an infrastructure package -- but that would leave them \$200 billion less for tax cuts. "Infrastructure is more stimulative than these tax cuts," he said.

ON THE SCENE: NTSB is sending investigators to Las Vegas to look into a zero-injury crash between a driverless transit shuttle on its first day in operation and a truck. News reports indicated the truck driver was at fault, not the shuttle.

USED CARS: EPA wants to repeal emissions rules for new trucks with rebuilt engines, arguing that they don't fit the Clean Air Act's definition of a "new motor vehicle," reports Pro Energy's Alex Guillén. EPA Administrator Scott Pruitt said gliders are more affordable for small owners and operators and serve as "a key economic driver to numerous rural communities." But Luke Tonachel, director of NRDC's Clean Vehicles and Fuels Project, said "reopening this loophole" could cause up to 40 times more pollution than modern big rigs.

GETTING TO THE BOTTOM OF IT: Rep. Debbie Dingell (D-Mich.) has asked the Trump administration for an official answer about whether they're dropping a proposed rule mandating that new cars have vehicle-to-vehicle communications. "Because it matters," Dingell told MT. "I called and said I need to know." Dingell also said she's trying to pre-conference at least some of the driverless car bill, even before the Senate passes theirs (S. 1885 (115)). She said she's "talking to everybody to find out where the concerns are so maybe we can do a pre-conference."

**** A message from Association of American Railroads:** Moving 54 tons of goods annually for every American takes a lot of muscle, and a lot teamwork. See how intermodal has turned trucks and trains from competitors into collaborators while delivering for U.S. industry and consumers. <http://bit.ly/2itLz6q> **

NOT TO BE CRUDE: Rep. Peter DeFazio (D-Ore.), top Democrat on the House Transportation Committee, sent a letter to DOT Secretary Elaine Chao Thursday to urge PHMSA to move forward on outstanding rulemakings, including one requiring railroads to

develop comprehensive oil spill response plans. The NTSB made that recommendation in January 2014. "We cannot afford to wait until another catastrophic accident occurs and lives are lost for PHMSA to take final action on these rules," DeFazio wrote.

EXPANDED DRUG PANEL COMING SOON: DOT will finalize Monday its long-awaited rule to harmonize its drug-testing panel with the expansion HHS signed off on earlier this year as the U.S. opioid epidemic continues to rage, Lauren writes. That means four prescription opioids - hydrocodone, hydromorphone, oxycodone and oxycodone - will be added to the existing DOT 5-panel that "safety-sensitive" transportation workers must submit to when chosen for random screening.

LABOR NOTES: During its executive meeting Thursday, the Transportation Trades Department of the AFL-CIO talked to House Transportation Chairman Bill Shuster (R-Pa.) and Sen. Brian Schatz (D-Hawaii), a member of the Senate Commerce Committee, about their priorities for the year. They also adopted new policies on protecting worker rights in the age of driverless vehicles, supporting the Jones Act, holding foreign aircraft repair stations to the same standards as domestic stations, protecting Amtrak and other passenger rail employees from assault, ensuring commercial airline pilots receive adequate training, and addressing sleep apnea and driver fatigue.

MADE YOU LOOK: The Senate Homeland Security Committee decided not to vote on DHS Secretary nominee Kirstjen Nielsen after all, instead kicking the vote to next week to give Nielsen time to answer all of the questions members submitted, Steph reports. Chairman Ron Johnson (R-Wis.) warned senators against drawing the process out, noting the need to have a permanent head at DHS. But top Democrat Claire McCaskill (D-Mo.) said Democrats insisted on full responses. The committee could vote on the nomination off the floor Monday.

STAY WOKE: Meanwhile, Acting Homeland Security Secretary Elaine Duke updated the national terrorism advisory system bulletin that DHS uses to alert the public to ongoing threats. Commercial aviation and air cargo continue to be primary targets for attacks and terrorists groups also are pointing followers to "easy-to-use tools" like vehicles, which can be used to mow down pedestrians, per the advisory. More details can be found here.

MT MAILBAG: Rep. Brian Babin (R-Texas) asked Trump in a letter Thursday to delay a federal mandate on electronic logging devices through an executive order. The order should direct Chao to waive the mandate "until such time as it can be certified that implementation will not cause economic or other harm to the millions who are subject to it," or at least until April 1, 2018, Babin wrote. The deadline now is Dec. 18, 2017.

GET ON THE BUS: The Accessibility Observatory at the University of Minnesota ranked 49 of the 50 most populous metropolitan areas in the United States for how well their transit systems connect residents with jobs. The top 10 list is unchanged from last year and offers no surprises (New York, San Francisco, Chicago, etc.) but a second list shows the metros with the most improvement since last year, where Cincinnati, Charlotte and Orlando ranked highest. You can check out the rankings and all 49 block-by-block transit access heat maps here.

SLICE OF PI: Jim Kiley, a former lobbyist for General Motors and the Alliance of Automobile Manufacturers, has landed at the lobbying firm Federal Advocates.

ARRIVALS AND DEPARTURES: Sabrina Sussman is leaving the New York Mayor's Office of Federal Affairs, where she worked on transportation and housing issues, on Monday to work at Zipcar, where she will be managing the company's public partnerships. Sussman served as special assistant to now-NYC DOT Commissioner Polly Trottenberg when Trottenberg was undersecretary for policy at the federal DOT. And Stephen Johnson, American Airlines' executive vice president for corporate affairs, has been named to the U.S. Chamber of Commerce board of directors.

THE AUTOBAHN:

- "Rail passengers petition Supreme Court to review case involving on-time performance standards." NARP.
- Waymo launches fully driverless cars in Arizona with liability issues still unclear. Phoenix New Times.
- Tax breaks for electric cars survive in Senate bill. Bloomberg.
- "State comptroller: MTA fare and toll hikes may come sooner." Observer.
- "Cars lose the spare tire for a leaner ride, but it could cost you." The New York Times.

THE COUNTDOWN: DOT appropriations run out in 29 days. The FAA reauthorization expires in 142 days. Highway and transit policy is up for renewal in 1,056 days.

**** A message from Association of American Railroads:** America's 21st century economy rides on the back of a modern intermodal freight rail network. Railroads are leveraging their unique shipping capabilities to meet growing demand for freight movement while supporting a trucking industry undergoing transformation. Read the full story of these two unlikely partners - and their impact on the American economy. <http://bit.ly/2itMnlu> **

To view online:

<https://www.politico.com/tipsheets/morning-transportation/2017/11/10/dot-nominees-get-their-moment-in-the-senate-spotlight-223292>

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Subject: The Morning Headlines from InsideEPA.com -- November 10, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

November 10, 2017

Latest News

D.C. Circuit Judges Lean Against Abeyance For Industry's Brick MACT Suit

Judges on the U.S. Court of Appeals for the District of Columbia Circuit appear to be leaning against granting EPA's request to separate out and put in abeyance brick manufacturers' suit over an Obama-era air toxics rule for the sector, faulting EPA's rationale for putting the case on hold while the agency reconsiders several parts of the rule.

EPA Floats New Air Law Interpretation To Scrap 'Glider' Truck GHG Limits

EPA is floating a new interpretation of the Clean Air Act to justify its new proposal to scrap Obama-era greenhouse gas limits for heavy-duty "glider" trucks that combine a new body with a rebuilt powertrain, saying the "most reasonable" reading of its air law authority is that the trucks are not "new motor vehicles" subject to regulation.

Draft House RCRA Farm Waste Bill Draws Major Debate, Despite Revisions

Proposed legislation that would block Resource Conservation & Recovery Act (RCRA) citizen suits over farm waste disposal if the agricultural operation is working with a regulator to come into compliance drew significant debate from proponents and opponents at a recent congressional hearing, even after lawmakers pared back the bill's scope.

Top Former Officials Fear Pruitt, Congress' Unprecedented Attacks On EPA

They served in both Democratic and Republican administrations across more than a generation but former top EPA officials are stepping up their concerns that efforts by Administrator Scott Pruitt and the Republican Congress to roll back EPA rules, cut the agency's budget and other deregulatory efforts pose fundamental threats to the agency's future and the long-standing federal environmental commitment.

Wehrum's Confirmation Likely To Expedite Pruitt's EPA Air Policy Overhaul

The Senate's 49-47 vote to confirm William Wehrum to head EPA's Office of Air & Radiation (OAR) is likely to boost agency Administrator Scott Pruitt in his plan to

overhaul Clean Air Act policies, which includes rollbacks of climate and other air rules, and changes to new source review (NSR) permitting to ease industry burdens.

IG's FY18 Plan Highlights Discretionary Work Cuts Under Tight EPA Budget

EPA's Inspector General (IG) has released its work plan for fiscal year 2018 that significantly reduces discretionary projects such as self-initiated reviews of "high risk" programs and focuses on work mandated by law, underscoring IG Arthur Elkins, Jr.'s prior warnings that proposed budget cuts will hamper much discretionary work.

EPA's Push For 'Samaritan' Brownfields Measure Faces Uncertain Path

EPA's push for Congress to include new cleanup liability waivers in pending brownfields legislation for "Good Samaritans" is facing an uncertain path as it lacks strong support from the private and public sectors and earlier discussions generally resolved to set aside the provision, according to a local government source.

Daily Feed

Senate Democrats ask GAO to review new EPA advisors policy

Democratic Senators are asking the Government Accountability Office to expand its probe of EPA's new policies for choosing members of its advisory committees.

EPA developing nutrients 'willingness to pay' survey

EPA is taking comment on its plan to survey the public's willingness to pay for nutrient controls that would improve the quality of recreational waters coastal New England.

EDF outlines issues for TSCA inventory rule suit

Environmentalists outline issues they plan to raise in litigation challenging EPA's inventory reset rule establishing universe of existing chemicals for review under the new toxics law.

Federal prosecutors subpoena Icahn RFS data

Federal prosecutors in New York have subpoenaed documents pertaining to billionaire Carl Icahn's role in possible manipulation of biofuels markets, adding to pressure on the former presidential adviser over the issue.

Ewire: Major climate report doesn't change EPA's CPP plans

In today's news roundup: The Trump administration's major climate science report is not altering EPA's plan to repeal the Clean Power Plan or nominees' views on the issue.

Biofuels producers urge Trump to increase cellulosic RFS targets

As a Nov. 30 deadline for issuance of the final 2018 RFS approaches, advanced biofuels interests are trying to boost their fuel volumes, while the oil sector seeks a reduced RFS.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: American Enterprise Institute
Sent: Fri 11/10/2017 11:02:24 AM
Subject: AEI Today Special Edition: A snapshot of veterans in 2017

Today's veterans are greatly indebted to the World War I generation for its advocacy on everything from hospitals to pensions, writes Rebecca Burgess.

AEI's weekly digest of top commentary and scholarship on the issues that matter most.



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A snapshot of veterans in 2017

Today's veterans are greatly indebted to the World War I generation for its advocacy on everything from hospitals to pensions, writes Rebecca Burgess.

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The meaning of Veterans Day

A collection of stories, speeches, and songs put together by Leon and Amy Kass sheds light on Veterans Day and how we might properly observe it.

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Wounded warriors on the slopes (2015)

Paul Wolfowitz writes that a 2015 winter-sports event in Colorado helps disabled veterans find more than just an opportunity to compete.

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Veterans, society, and suicide

While few Americans know that 362 WWII vets are dying each day, they seem certain that there is a "veteran suicide epidemic," says Rebecca Burgess.

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The case for privatizing VA hospitals

Joel Zinberg argues that the Veterans Health Administration should be replaced with guaranteed insurance to give all veterans access to quality care.

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Read more from AEI on Veterans Day

Explore the collected works of AEI scholars honoring the service and sacrifice of the men and women who have served America in its armed forces.

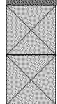
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From: POLITICO Pro Energy
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Subject: Morning Energy, presented by ExxonMobil: Top energy highlights in Senate's tax overhaul — Hawks arrive in Bonn to reassure uneasy world of U.S. climate action — Perry headlining Texas event for Pro-Trump group

By Anthony Adragna | 11/10/2017 05:41 AM EDT

With help from Eric Wolff, Alex Guillén, Adam Behsudi, Esther Whieldon and Ben Lefebvre

AT LAST MY TAX IS COMPLETE AGAIN! Senate tax writers waited until 9 p.m. Thursday to roll out their tax bill, and here's what jumped out to ME's bleary-eyes:

— **The big stuff everyone gets:** The Senate bill, like the House bill, cuts the corporate tax rate to 20 percent, something pretty much all the energy companies will like. And the bill provides a temporary ability to use 100 percent expensing of capital, a boon to capital-intensive energy industries like oil, natural gas, coal mining, and even renewables, though solar companies have an interaction between the Investment Tax Credit and expensing that may cause unpleasant side-effects.

— **Oil gets a change to treatment of foreign income:** ME noticed that oil comes up several times in the tax bill, but the one that jumped out was the oil industry got a \$4 billion boost from a change to the treatment of refining and pipeline operations overseas in the Senate bill, the same as it got in the House bill. An industry source told ME earlier in the week that the change actually has little impact on bottom lines, since it mostly changes in what tax year foreign subsidiaries transfer money up to parent companies. The source was baffled as to why the Joint Committee on Taxation gave it a score in the House version, and will no doubt still be baffled at the score in the Senate version.

— **Utilities keep their exception to the interest deduction changes.** The Senate bill cuts the amount of interest businesses can deduct, but utilities, who favor the provision much more than 100 percent expensing, get a carveout.

— **No home for the orphans:** Senate tax writers opted not to deal with a slew of expired energy tax credits that found homes in the House bill. Nothing for fuel cells, small wind, microturbines, or even the nuclear tax credit extension. And there appeared to be nothing related to a carbon capture and sequestration credit pushed by a bipartisan group.

— **Then again, windies can becalmed:** The senators also did not include the changes the House made to Production Tax Credit. Iowa Sen. Chuck Grassley has said the House bill didn't need to make its changes, since the PTC was already going to phase out under a 2015 agreement. "The Senate tax reform bill keeps a promise to America's more than 100,000 wind energy workers and restores the confidence of businesses pouring billions of dollars into rural America," Tom Kiernan, CEO of the American Wind Energy Association, said in a statement.

— **Charged up for EVs:** The Senate did not follow the House lead on electric vehicles, either.

While the House wiped out a \$7,500 tax credit, the Senate bill is silent.

Environmental groups are already trashing the effort. "The GOP is once again trying to redirect taxpayer money to the super-rich and super-polluting fossil fuel industry — and they expect us to pay for it by giving up our healthcare, our safety, and our children's future," Janet Redman, U.S. policy director for Oil Change International, said in one typical statement.

Bigger picture: There are massive differences between the House and Senate versions of the tax overhaul that signal hard bargaining lies ahead, POLITICO's tax gurus Aaron Lorenzo, Brian Faler and Bernie Becker [report](#). Their take: "Reconciling the House and Senate plans and getting sign-off from Trump is likely to be daunting." Score of the Senate proposal [here](#).

IT'S THE END OF THE WEEK AS WE KNOW IT! I'm your host Anthony Adragna, and the Renewable Fuels Association's Rachel Gantz was first to pick Rep. Candice Miller as the congresswoman turned public works commissioner. Your end-of-the-week puzzler: Which powerful governing body out West has two former members of Congress among its five slots? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#) and [@POLITICOPro](#).

CLIMATE HAWKS LAND IN BONN: Five Democratic senators — [Ben Cardin](#), [Ed Markey](#), [Sheldon Whitehouse](#), [Brian Schatz](#) and [Jeff Merkley](#) — are on the ground at the Bonn climate talks this weekend and will hold a call today at 12:30 p.m. to discuss their goals. But their message is clear: "We're not all nuts," Whitehouse told ME.

Still in it to win it: On Saturday, California Gov. Jerry Brown and former NYC Mayor Michael Bloomberg will unveil America's Pledge with a report detailing the scope of the actions planned by non-federal entities to fight climate change. Joining them to reiterate U.S. commitment to aggressive climate action: Cardin, UNFCCC Executive Secretary Patricia Espinosa, COP23 President and Fijian Prime Minister Frank Bainimarama and Pittsburgh Mayor Bill Peduto, among others.

Big spenders: The World Resources Institute announced Thursday a private cash infusion of \$2.1 billion in private funds to help restore degraded lands in Latin America and the Caribbean. "With more than \$2 billion of investments earmarked for Latin America alone, restoration is a climate solution that works and is a great investment," Walter Vergara, coordinator of the new push, said in a statement. More information [here](#).

**** Presented by ExxonMobil:** We're collaborating with FuelCell Energy on a novel idea to use fuel cells to capture carbon at natural gas power plants, and in the process reduce emissions and increase electrical output. This technology could be a game changer in addressing the world's growing need for energy, while also reducing the impact on the environment. [Learn more.](#) **

WHEN HE'S NOT WRITING OP-EDS: Energy Secretary Rick Perry, back from a trip to Paris this week, will headline a "roundtable discussion" in Houston on Monday afternoon on behalf of America First Policies, the pro-Trump political nonprofit, Campaign Pro's Maggie Severns [reports](#). America First has been quiet much of the year but is now pushing to give a jolt

to its fundraising and reassert its close ties to President Donald Trump. But Texas businessman Roy Bailey, who has deep ties to group, said Perry won't be there looking to raise funds. "It's a nice opportunity for people to understand what's going on at the Energy Department," Bailey said.

Remember: Interior Secretary Ryan Zinke has generated controversy and several investigations over his habit of mixing political activities with official government business.

CORNSTATERS NOT ALL SOLD ON WHITE: Kathleen Harnett White, Trump's pick to chair the Council on Environmental Quality, will need the support of all the Midwesterners on the Senate Environment committee if she's going to advance, and it looks like she still has some work to do on that front. Despite disavowing her previously staunch opposition to the Renewable Fuel Standard thanks to "new data" from Sen. Joni Ernst, White doesn't yet have Ernst's backing. "We're still debating that one," Ernst told ME. Veteran ME readers know the Iowa Republican extracted concessions from EPA on the RFS before backing new agency air chief Bill Wehrum.

Nebraska's Deb Fischer is also "still debating" White's nomination, and she is still looking for more information on how White would do her job. The CEQ chair doesn't have a regulatory role on RFS, but she would offer advice to Trump. "If you look at the questioning I had, I was looking at also how she would present options to the president," Fischer told ME. "That's going to be her job, not necessarily on the RFS, but where she gets her data from, how she prepares that and what kind of facts she has. We'll see how it shakes out."

Rounds a tentative yes: Mike Rounds of South Dakota said he's not totally on board, but, "I would lean yes as opposed to no." He thought she answered his questions well. "What I wanted to make sure people understood is that the RFS in its current form is the minimum we can do," he said.

PRUITT ADDRESSES ANTI-CLIMATE ACTION CONFERENCE: EPA Administrator Scott Pruitt delivered a two-minute video address to a conference in Houston sponsored by the Heartland Institute, the group that opposes action to fight climate change. "I want to say to you at the Heartland Institute, thanks for what you're doing to advance energy, thanks for what you're doing to advance natural resources," Pruitt said. "There's great optimism across the country and I pray you feel that in Houston, Texas."

PAUSED FURTHER: A federal appeals court once again ordered lawsuits over the Obama administration's Clean Power Plan held in abeyance for another 60 days, until Jan. 8, Pro's Alex Guillén reports. The D.C. Circuit ordered EPA to file status updates on its CPP repeal effort every 30 days.

BLUNT MESSAGE FOR BARRASSO: Whitehouse told ME he understands why Pruitt might not want to testify before the Senate EPW committee but that Chairman John Barrasso should not let him off. "There's a point where oversight becomes a responsibility irrespective of your loyalties," he said. "I think there will be really awkward questions for him and I think the farther he stays away from a forum where he has to tell the truth, the happier he is."

DOURSON REALLY IN TROUBLE? If a vote came up today, ranking member [Tom Carper](#) told reporters, Michael Dourson, Trump's pick to run EPA's chemicals office, wouldn't have the necessary votes. "Privately, in my conversations with a number of Republicans, they have expressed deep concerns," he said. "We're going to make sure at the end of the day that he does not have the votes." And North Carolina's [Thom Tillis](#) confirmed Wednesday he's not yet ready to back Dourson: "We've heard the concerns and we're working on getting the background information."

ZINKE SAYS HE'S READY TO MEET WITH DURBIN: Interior Secretary Ryan Zinke said in a [letter](#) Thursday said he would be "happy to meet ... to discuss any issue" involving the agency with Senate Minority Whip [Dick Durbin](#) who has put the confirmation of multiple Interior nominees on hold until he gets a meeting with the secretary to discuss his review of several dozen national monument designations. Zinke pointed out that he talked with a number of Democrats prior to sending the report to the White House in late August and also with Sen. [Tom Udall](#) in mid-September on the New Mexico Organ Mountains-Desert Peaks and Rio Grande Del Norte monuments. In a [tweet](#) Thursday, Zinke said he'd be "happy to talk monuments and nominees. Call anytime, Dick."

MORE INFORMATION SOUGHT ON PERRY'S PLAN: Four environmental groups — the Sierra Club, Earthjustice, the Environmental Defense Fund and the Natural Resources Defense Council — filed FOIA requests with [Energy](#) and [FERC](#) seeking information on the development of Energy Secretary Rick Perry's grid resiliency proposal to FERC. "It's outrageous that there is so little transparency at DOE that we have to repeatedly file these Freedom of Information Act requests instead of Rick Perry simply allowing the public and energy stakeholders to inform the policy making process," the Sierra Club's Mary Anne Hitt said in a statement.

HERE'S SOMETHING: The compromise version of the National Defense Authorization Act would require the Pentagon to rank the top 10 installations in each military branch's that are the most vulnerable to the effects of climate change over the next two decades, Pro Defense's Connor O'Brien [reports](#). Conservatives sought to take out the provision during House floor debate earlier this year, but Democrats and moderate Republicans teamed up to leave it in.

ZINKE DENIES IMPROPRIETY IN WHITEFISH DEALINGS: During an interview with Fox News late Thursday, Zinke denied playing any role in his son landing a job with controversial Whitefish Energy — "he got a job by himself" — and said he had no role in the Montana-based company getting a now-cancelled contract to repair Puerto Rico's electric grid. "I didn't have any influence, didn't have any knowledge of the contract. Puerto Rico is not under Interior. And those elitists that would think from being a small town somehow is a crime, shame on ya," he said.

MAIL CALL! CONSERVATIVES ENDORSE 'BIGGER' MONUMENT REVIEW: Twenty-four House Republicans sent a [letter](#) to Trump Thursday urging him to "think big and act bigger" as he mulls final recommendations about what to do to a host of prior national monument designations. It recommends the outright rescission of several monuments and significant downsizing of others. "We ask that you take these recommendations to heart and that

you not be deterred by a few vocal special-interests groups from finishing what you set out to accomplish with this review," they wrote.

Democrats to GAO: Expand adviser probe: Ten members of the Senate Democratic caucus, led by Whitehouse, asked GAO in a Thursday [letter](#) to expand its existing probe into EPA scientific advisory appointments to evaluate Pruitt's new order barring scientists who receive grants from serving on advisory boards. "When a policy, like this one, does not on its face address the problem it purports to solve it should get exacting scrutiny to determine what in fact its true purpose is," they wrote.

How about that coal memo? Frustrated by the lack of response from the White House and EPA, Whitehouse [demanded](#) Murray Energy head Bob Murray turn over a copy of the three-page "action plan" he gave to the administration. The document became a [major focus](#) of Andrew Wheeler's nomination hearing to be EPA deputy administrator on Wednesday.

Think of us: The Petroleum Marketers Association of America sent a letter to Barrasso on Thursday asking him to urge the Trump administration "to reduce the ethanol mandate given that the [underground storage tank] system compatibility issues present severe economic harm to small businesses" as senators discuss the RFS with administration officials. Link [here](#).

ETHANOL, GRAINS PRODUCERS WANT BRAZIL PUNISHED: U.S. ethanol and grains producers are urging the U.S. Trade Representative to suspend Brazil's tariff benefits under the Generalized System of Preferences, which grants tariff relief on imports from developing countries, because of complaints that the South American country has put in place a restrictive quota on ethanol imports. "Brazil's decision to engage in protectionist trade measures as a result of a short-term and market-oriented deficit against the largest agriculturally related product imported from the U.S. is not in keeping with the spirit of the GSP program," the Renewable Fuels Association, Growth Energy and the U.S. Grains Council wrote in a [letter](#) to Lighthizer on Thursday.

SKEPTICISM OVER CBO'S ANWR ESTIMATE: Count Taxpayers for Common Sense among the deep skeptics that Senate Energy Chairman [Lisa Murkowski](#)'s proposal to open ANWR would generate more than \$1 billion in revenue over the next decade, as the Congressional Budget Office estimated it would. The non-partisan group forecasts that oil and gas companies would have to bid at levels 10 times higher than historic norms to meet the \$1 billion CBO estimates would flow into federal coffers. "If Congress were to enact legislation that opened up the 1002 Area to oil and gas leasing, it is unlikely — near to the point of impossibility — that such leasing would generate the amount of revenue to the Treasury that the CBO predicts," the group's new [fact sheet](#) states. It released a second fact sheet outlining [a series of other options](#) to raise revenue through federally-owned natural resources.

California's dirty secret? The Center for Biological Diversity released a report finding three-quarters of California's oil is as harmful to the environment as Canadian tar sands. Link [here](#).

High stakes in the desert: Failing to keep the Navajo Generating Station open could put at risk the reliability of Arizona's electric grid and the regional power supply, according to [a study](#)

funded by coal giant Peabody Energy. Among the cities potentially hardest hit include Phoenix, Scottsdale, Tucson and Flagstaff, according to the study. Summary link [here](#).

NO FUN! Amid [reports](#) the National Park Service is considering closing the National Mall to softball and frisbee games permanently, the Sierra Club's DC-based softball team, the Conservation Laborers Against Wrong, vowed a fight. "Maybe the hundreds of Congressional Republican staffers who play organized softball every summer will let Zinke and Trump know there is nothing to drill or mine for underneath the Mall," the team's coach Lauren Lantry quipped.

BLOWN AWAY? Facebook co-founder Mark Zuckerberg visited an Oklahoma wind farm where he said "it's clear that wind and renewables are the future." Full post [here](#).

QUICK HITS

— Millions Of Puerto Ricans Just Lost Power Again After A Line Repaired By Whitefish Energy Failed. [BuzzFeed](#).

— With Christie Out, New Jersey Poised To Rejoin New England In Climate Pact. [WNPR](#).

— As China Moves To Other Energy Sources, Its Coal Region Struggles To Adapt. [NPR](#).

— Oil prices rise on supply cuts and political tensions in Saudi Arabia. [Reuters](#).

— One of the World's Biggest Miners Is About to Go Coal-Free. [Bloomberg](#).

— FitzPatrick Nuclear Power Plant experiences leak within facility. [WSKG](#).

HAPPENING TODAY

9:00 a.m. — The Andlinger Center for Energy and the Environment and Princeton E-affiliates Partnership hosts [annual meeting](#) with EDF's Fred Krupp keynoting, Maeder Hall, 86 Olden Street, Princeton University, Princeton, NJ

12:30 p.m. — U.S. Senators to Hold Press Phone Call from Major UN Climate Conference in Germany, RSVP: Sean_Bartlett@foreign.senate.gov

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Senate GOP's tax bill points to nasty fight ahead [Back](#)

By Bernie Becker, Brian Faler and Aaron Lorenzo | 11/09/2017 11:49 AM EDT

Yawning divisions have emerged between the House, Senate and White House over tax reform, raising doubts about whether Republicans will be able to achieve their most important political and policy priority before the end of the year.

The Senate and House are split on some key issues, including the top tax rate and the timing of the corporate tax cut, and also at odds with President Donald Trump in many areas. Hard bargaining, battles between GOP factions and an onslaught of lobbying are the gauntlets Republicans will have to run to get legislation to Trump's desk by the end of the year — and into their mailers and ads for the 2018 elections.

If one thing unifies Republicans and makes the job easier than it might appear, it's the fear that they will have nothing to take into those contests after the failure of another marquee effort, repealing and replacing Obamacare. House Speaker Paul Ryan and other GOP leaders used the drubbing the party took in Tuesday's election in Virginia as a warning to the rank and file: Pass tax reform or face the wrath of Republican voters.

"We are going to conference," Ryan told reporters Thursday, after the Senate unveiled its long-awaited plan and House tax writers advanced theirs to the House floor. "Yes, the Senate bill is going to be different than the House bill because that's the legislative process."

The House Ways and Means Committee approved its bill on a party-line 24-16 vote, and House Majority Leader Kevin McCarthy said the full House would vote on it next week. The Senate Finance Committee will start working on its bill next week, maybe as early as Monday.

One of the first differences to emerge was the Senate's plan to delay slashing the corporate tax rate to 20 percent from 35 percent until 2019. The House wants to cut the tax immediately, and has the White House on its side.

Cutting the corporate rate is the centerpiece of the GOP plan to lower tax rates and spur faster economic growth. But the Senate is trying to limit the revenue impact to allow a bill to pass with just 51 votes and avoid a possible Democratic filibuster.

In another break with Trump, neither the Senate bill or the House bill includes a repeal of the Obamacare individual mandate requiring Americans to have health insurance. But Senate Republicans are still considering a repeal to help cover the cost of making some tax cuts permanent.

GOP leaders are talking with rank-and-file members to assess whether they have the necessary 50 votes to scrap the least popular part of Obamacare.

"I'd sure like to do that," said Sen. Roger Wicker (R-Miss.) "I think we're counting votes. It sure gives us a lot more flexibility."

Trump has pushed for repealing the mandate, along with conservative senators and House members. But many lawmakers said reopening the health care debate would just make passing the tax bill harder.

The Senate plan would set a top individual tax rate of 38.5 percent, compared to the House's 39.6 percent for annual income above \$1 million, and keep deductions for people with high medical bills and for student loan interest that the House wants to discard.

It would completely eliminate a federal deduction for state and local taxes, while the House had to mollify a group of GOP lawmakers from high-tax blue states by keeping the deduction for property taxes, up to \$10,000.

The Senate kept the maximum mortgage deduction at the interest on loans up to \$1 million. The House would cut it to \$500,000.

The House targeted the estate tax — a favorite foil of conservative Republicans — for elimination in 2025, after doubling the current exemptions to about \$11 million for individuals and \$22 million for married couples. The Senate is proposing only to double the exemptions.

The House proposed expanding the child tax credit to \$1,600 per child from \$1,000. The Senate set the increase at \$1,650.

But that is still too low for some senators who want a \$2,000-per-child credit because they worry some middle-income people could otherwise see their taxes go up under the plan — and they have an ally in Ivanka Trump. "While we are glad to see an increase to the child tax credit, like the House bill, it is simply not enough for working families," Marco Rubio (R-Fla.) and Mike Lee (R-Utah), the main champions of the issue in the Senate, said in a joint statement.

On another hot-button issue, the treatment of "pass-through" businesses that pay individual tax rates, the Senate would set a top rate of 30 percent, while owners of those businesses have been clamoring for parity with corporations. The House is offering a super-low 9 percent rate on the first \$75,000 those businesses earn, which attracted praise from the powerful National Federation of Independent Business, which had panned the House bill last week.

Both bills would shift the U.S. to a "territorial" tax system that would largely shield offshore corporate income from U.S. taxation. But they parted ways on a mechanism to discourage more companies from moving abroad to take advantage of the change.

As the first details were trickling out about the Senate plan, Ways and Means Chairman Kevin Brady (R-Texas) unveiled a new round of changes to the House GOP's plan.

Their tax plan had ballooned beyond their budget, allowing them to cut taxes by no more than \$1.5 trillion, after Republicans earlier this week gutted a plan to crack down on international tax avoidance hated by the Koch brothers and a number of multinational corporations.

The revisions include hundreds of billions of dollars in new revenue aimed at filling that budget hole. Republicans did it in part by taking back much of the money — \$87 billion — they had lost when they watered down those overseas tax avoidance provisions.

Another \$70 billion would come from charging companies more in a one-time tax on their overseas earnings. Under the new plan, they'd pay 14 percent on their liquid assets and 7 percent on illiquid ones like factories overseas. That's up from 12 percent and 5 percent, respectively, under the previous proposal.

House lawmakers want to raise another \$20 billion by requiring people claiming the popular child tax credit to provide a Social Security number for their child, a provision long sought by Republicans aimed at preventing undocumented immigrants from taking the break.

Delaying their plans to repeal the estate tax by another year saved them \$21.5 billion. They'd raise another \$109 billion from companies tapping a long-standing break for research and development expenses.

Other House provisions would expand a tax on private university endowments and impose a surtax on life insurance companies.

The plan also would allow organizations such as charities and churches to engage in political speech without risking their tax-exempt status, and it restored a tax break for adopting children that had been on the chopping block.

Senate Finance Committee aides said the panel was still working to make its bill compliant with the chamber's budget rules, which don't allow the tax bill to add to deficits outside the 10-year budget window.

Given the GOP's slim majority in the Senate and the danger of a repeat of their Obamacare fiasco, some House Republicans were resigned to more or less having to defer to the Senate.

"I look at it more as a priority of process and procedure over substance," said Rep. Dennis Ross (R-Fla.). "While there are some very good things, don't get me wrong, substantively in our bill, I think the canvas will probably be painted in its final stage in the Senate once we give them the vehicle."

Ben White, Josh Dawsey, Colin Wilhelm, Seung Min Kim, Elana Schor and Jennifer Haberkorn contributed to this report.

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Perry to headline Texas event for pro-Trump outside group [Back](#)

By Maggie Severns | 11/10/2017 05:01 AM EDT

Energy Secretary Rick Perry will attend an event in Texas next week put on by America First Policies, the pro-Trump political nonprofit, according to an invitation obtained by POLITICO.

The invitation, which was sent to a Republican donor, says that Perry will headline a "roundtable discussion" in Houston on Monday afternoon. Details of the event's location will be available only to those who RSVP shortly before the event, the invitation said.

Perry's trip to Texas comes at an auspicious moment for America First Policies and its affiliated super PAC, America First Action. The organization is working to lock in support from donors and establish itself as a center of gravity for pro-Trump activity with close ties to the Trump administration.

America First was silent for much of this year, prompting some to question what role, if any, it would play for President Donald Trump, but organizers are working to reinvigorate the group's fundraising and reassert America First's close ties to the president. The group aims to spend \$100 million promoting tax reform and supporting 2018 candidates in the next year. Leaders of the group have convened at the White House in recent weeks, and with donors at a Texas ranch owned by megadonor T. Boone Pickens. Donald Trump Jr. was present at the ranch to signal his support.

Perry has deep ties to both the energy industry and donors in Texas, which helped power his two presidential runs. But Perry will not be in Houston asking for funds, said Texas businessman Roy Bailey, who is deeply involved in America First Policies. "It's a nice opportunity for people to understand what's going on at the Energy Department," Bailey said.

An Energy Department employee did not return a request for comment. Perry was in France this week meeting with energy leaders from other countries.

America First is ramping up activity as other high-profile Republican operatives and donors are accelerating pro-Trump outside efforts of their own.

Future45, which supported Trump during the 2016 elections with funding from casino billionaire Sheldon Adelson and the Ricketts family, announced a project that will spend in the tens of millions of dollars promoting tax reform earlier this month. Great America PAC, which is affiliated with Steve Bannon, began endorsing 2018 candidates in recent days.

Great America PAC's support for Roy Moore broke from Trump's support for Sen. Luther Strange in Alabama. America First plans to give unwavering support to Trump's agenda, which Bailey said could be a differentiator from other groups.

"We're not second-guessing anything; we're totally confident in [Trump's] ability to lead this nation and we're supporting him and the vice president," Bailey said.

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Trump's Interior chief 'hopping around from campaign event to campaign event' [Back](#)

By Ben Lefebvre and Esther Whieldon | 10/05/2017 05:01 AM EDT

Republican donors paid up to \$5,000 per couple for a photo with Interior Secretary Ryan Zinke at a fundraiser held during a taxpayer-funded trip to the U.S. Virgin Islands, according to documents reviewed by POLITICO — raising questions about his habit of mixing official government business with political activism.

The new details about Zinke's March trip to the Caribbean, including the previously undisclosed invitation to the Virgin Islands Republican Party fundraiser, emerged after weeks of scrutiny of the former Montana GOP congressman's travels. The nearly two-hour event was one of more than a half-dozen times Zinke has met with big donors or political groups while on department-paid trips, Interior travel records and other documents show.

Ethics watchdogs say Zinke is combining politics with his Interior duties so frequently that he risks tripping over the prohibitions against using government resources for partisan activity, even though his appearance at the Virgin Islands event seems to have been legal. Democrats have also seized on the issue, including 26 House members who wrote in a letter Tuesday that Zinke's travels "give the appearance that you are mixing political gatherings and personal destinations with official business."

Zinke has said all his actions have obeyed the law, dismissing concerns about his travel as "a little BS."

But some ethics advocates say Zinke's attendance at a fundraiser during his first month as secretary is not in line with past administrations' conduct, even if he crossed no legal red lines.

"It happens on occasion with other Cabinet secretaries, perhaps even a little more often as you get near the election, but it is not a very common practice for Cabinet members to be hopping around from campaign event to campaign event like we're seeing with Zinke," said Craig Holman, government affairs specialist for government watchdog Public Citizen.

The secretary is already under investigation by his department's inspector general over his use of taxpayer-funded private planes for some of the trips, and the Office of Special Counsel is looking into an activist group's allegations that he violated the Hatch Act, the law limiting political activism by federal employees. The White House has cracked down on Cabinet

members' travel habits following former HHS Secretary Tom Price's resignation on Friday, which occurred after POLITICO reported on his own expensive flights.

Zinke visited the Virgin Islands from March 30 to April 1 on an official trip related to the Interior Department's role overseeing the U.S. territory. On his first day, following a "veterans meet and greet" and a reception with Gov. Kenneth Mapp, he appeared in his personal capacity at a March fundraiser for the local Republican Party at the patio bar of the Club Comanche Hotel St. Croix, department records show.

Tickets for the fundraiser ranged from \$75 per person to as much as \$5,000 per couple to be an event "Patron," according to Zinke's official calendar and a copy of the invitation. Patrons and members of the host committee, who paid \$1,500 per couple, could get a photo with Zinke at the start of the event, which was attended by local party members and elected officials.

The following day, Zinke took a \$3,150 flight on a private plane, paid for by the department, from St. Croix to official functions on St. Thomas and returned later that evening. Interior Department officials said there was no other way to accommodate his schedule, which included official events on both islands commemorating the 100th anniversary of the Dutch government transferring control of the islands to the United States.

Zinke is allowed to engage in partisan political activity in a "purely personal (not official) capacity," so long as he does not use government resources, according to Interior Department guidelines on the Hatch Act and other federal laws. The invitation to the GOP fundraiser did not identify Zinke by his official title and included a disclaimer that the money is being solicited by the local party and "not by any federal official."

All told, Zinke has spent around \$20,000 for three charter flights as secretary, nowhere near the \$1 million tab Price racked up on non-commercial trips. But he has on numerous occasions attended political receptions, spoken to influential conservative groups or appeared alongside past campaign donors during trips he has taken outside of Washington, D.C., for official department business.

In one instance, Zinke gave a motivational speech for a professional hockey team owned by a major campaign contributor that he said was official business — and which required him to charter a \$12,000 flight to Montana for an appearance at the Western Governors Association the next day.

In another case, during a speech to the Western Conservative Summit in Denver, he was introduced via a recorded voice as the Interior secretary and Zinke proceeded to talk about the agency's priorities. The summit was organized by the Centennial Institute, which bills itself as Colorado Christian University's think tank and is a part of the State Policy Network of organizations that collectively push for conservative state-level legislation.

An Interior spokeswoman said Zinke always follows the law but declined to answer specific questions about his appearance at the Virgin Islands fundraiser, nor say whether he would keep raising political money. The agency also has yet to post Zinke's trip expenses involving any of

the political events.

"The Interior Department under the Trump Administration has always and will always work to ensure all officials follow appropriate rules and regulations when traveling, including seeking commercial options at all times appropriate and feasible, to ensure the efficient use of government resources," spokeswoman Heather Swift said in a statement.

Swift did not respond to questions about whether the department had gotten reimbursement for the political portion of Zinke's three-day Virgin Islands trip, as the head of one watchdog group says it should have.

"Some of this travel is clearly political and that part of the travel should have been paid for by the RNC, NRCC, state political parties, a campaign committee or Zinke personally," said Daniel Stevens, executive director of the Campaign for Accountability.

No payments to the department are listed in the Virgin Islands Republican Party's FEC records.

Zinke is not the first Interior secretary, or Cabinet member, to have his activities questioned.

In 2012, a watchdog group called Cause of Action urged the Office of Special Counsel to investigate whether President Barack Obama's then- Interior Secretary Ken Salazar had violated the Hatch Act while taking an Obama reelection campaign RV tour of Colorado with a couple of lawmakers and the state lieutenant governor. Local organizers of one stop on that tour had billed Salazar on its online events calendar as attending the political rally in his official role. OSC would not say whether its investigation uncovered any problems, but travel records Interior has posted show that one of Salazar's aides had told the tour's coordinator the schedule "should not refer to (Salazar as) 'secretary.'" Salazar did not respond to a request for comment.

A former Salazar aide, who was not authorized to speak on the record, said the Obama administration generally tried to avoid scheduling political events that coincided with official travel because it was difficult to divvy up what expenses should be reimbursed by a campaign.

The special counsel's office found Obama HHS Secretary Kathleen Sebelius in violation of the Hatch Act in 2012, saying she had made "extemporaneous partisan remarks" by endorsing a candidate for North Carolina governor during a speech she made in her official capacity. Sebelius tried to scrub the violation by reclassifying the appearance as political and reimbursing the Treasury Department for costs associated with the trip.

Sally Jewell, who was Interior secretary during Obama's second term, said Zinke was within his rights to appear at the fundraiser in the Virgin Islands. Jewell said she once appeared at a fundraiser for Democratic Sen. Maria Cantwell while in Obama's Cabinet, though she paid her own way to Washington state and was not identified by her official title.

"If he had legitimate business while he's on the island, to do a political thing on the side, I don't think that is that unusual," Jewell said in an interview.

EPA Administrator Scott Pruitt canceled his scheduled appearance at a fundraiser for the Oklahoma Republican Party in April because an invitation had identified him by his official title and said he would discuss his work at the agency. EPA ethics officials said he would have been cleared to attend the event if not for that language on the invitation.

Watchdog groups say Zinke's behavior fits a pattern for Trump's Cabinet.

"These government resources have been abused by this administration," said Virginia Canter, an executive branch ethics counsel for Citizens for Responsibility and Ethics in Washington who previously worked as an ethics official for Presidents George H.W. Bush, George W. Bush and Obama. "To the extent that some of that supports their political ambitions is inconsistent with the intent of this authority."

The Campaign for Accountability called on Interior's inspector general and the Office of Special Counsel to investigate whether Zinke violated the Hatch Act or department ethics rules with his speech to the hockey team, which the group said appeared to be a favor for a donor. Interior's IG office announced its investigation earlier this week, and OSC told the Campaign for Accountability that it was looking into the group's complaint, according to an email shared with POLITICO. The OSC declined to comment.

Reps. Raúl Grijalva (D-Ariz.) and Donald McEachin (D-Va.) have asked Interior's IG to also look into any trips on which the secretary was accompanied by his wife, Lola Zinke, who is chairing the campaign of Montana Republican Troy Downing, a candidate to unseat Democratic Sen. Jon Tester next year. Swift said Lola Zinke was not in the Virgin Islands and has paid her own way whenever she has traveled with her husband on official trips.

Many who know him see Zinke's travels as an attempt to keep in touch with political contacts as he contemplates what he will do after leaving the Trump administration. Back home, the 55-year-old former Montana congressman is seen as an attractive candidate for the open-seat governor's race in 2020, when Democratic Gov. Steve Bullock will have to step down because of term limits.

"I think he's definitely got political aspirations; that's one of the reasons why he is where he is at right now," said Land Tawney, executive director of Backcountry Hunters and Anglers, a Montana-based sportsman group that supported Zinke's bid for Interior secretary. "You don't go from being a Montana legislator to a first-term congressman to [Interior] secretary without having ambition."

The Virgin Islands trip was Zinke's first interaction with big donors or influential conservative groups during his travel as Interior secretary.

A weeklong trip in May that took Zinke through Montana, Utah and California also offered a chance to squeeze in some political events.

Zinke delivered the keynote speech at the RNC spring meeting on May 11 in Coronado, Calif. Zinke had flown to California the previous night, after several days touring monuments in Utah,

and the RNC speech was his only event in the state aside from a meeting earlier that afternoon with Rep. Amata Radewagen, the Republican delegate from American Samoa, and members of the American Tunaboat Association.

The next day, Zinke flew back to Montana, where he joined Sen. Steve Daines (R-Mont.) and Vice President Mike Pence to tour a coal mine on the Crow Indian reservation operated by the Westmoreland Coal Co.

The trip offered Zinke and Pence an opportunity to tout the Trump administration's work to promote new coal mining on federal lands — and it allowed them to make a brief detour to promote Zinke's congressional replacement. That Friday night, Zinke, Pence and Daines attended a political rally for GOP candidate Greg Gianforte, and Zinke attended a get-out-the vote event for the Montana GOP the next day.

Zinke apparently paid for his return trip to Washington out of his own pocket — it was marked "personal travel" on his calendar, a designation not applied to the other flights on that trip.

Gianforte, whose wife is a major political donor in Montana, won the May 25 special election to take over Zinke's House seat.

Greg and Susan Gianforte donated more than \$10,000 to Zinke's 2016 congressional campaign and another \$10,000 to a joint Zinke-Daines PAC, according to federal records. The couple donated \$5,000 for his earlier run for Congress.

Zinke met with big influencers and donors in June as well.

On June 25, he flew from D.C. to Reno, Nev., where his only scheduled event was a meeting of the Rule of Law Defense Fund, a group of Republican attorneys general that has been linked to the Koch brothers, where he spoke and took questions for about 30 minutes, according to his schedule.

After his remarks, he sat at a dinner table with Montana's attorney general, the government relations specialist for the Venetian Resort Hotel Casino and Las Vegas Sands, and Koch Industries lobbyist Allen Richardson, Interior documents show.

The next day, Zinke flew to Las Vegas for an event on public lands in nearby Pahrump, Nev., and a speech that night to the National Hockey League's Vegas Golden Knights. Bill Foley, the team owner and chairman of Fidelity, introduced Zinke. Foley donated \$7,800 to Zinke's 2014 campaign, while employees and PACs associated with Fidelity and related companies gave another \$180,000. Interior officials said the speech to the NHL team was part of Zinke's official duties, and they pointed to scheduling conflicts it created to justify his use of a \$12,000 private plane to get to a Western Governors Association meeting in Montana the next day.

In July, Zinke spoke to several conservative groups in Colorado during a three-day trip that also included tours of Interior Department facilities in the state. He flew into Denver on July 20 so he could appear that evening at a closed-door reception for the American Legislative Exchange

Council, a group of conservative state legislators, lobbyists and industry groups that has pushed for more state control over federal lands.

And over the next two days, he was a featured speaker at a Republican committee roundtable and attended the Western Conservative Summit in Denver.

Eric Wolff contributed to this report.

To view online [click here](#).

[Back](#)

Court again freezes Clean Power Plan litigation for 60 days [Back](#)

By Alex Guillén | 11/09/2017 04:55 PM EDT

The D.C. Circuit Court of Appeals today once again placed the lawsuits over the Obama administration's Clean Power Plan [in abeyance](#) for another 60 days, until Jan. 8.

The court's single-page order did not include any sort of note such as the one included in the court's previous 60-day abeyance order on Aug. 8. In that order, two of the judges attached a stern [note](#) saying EPA was skirting its statutory duty to regulate greenhouse gases.

EPA last month released its proposed repeal, and will take public comment through Jan. 16. The agency has yet to release its advance notice of proposed rulemaking seeking suggestions on whether and how to craft a narrower replacement regulation.

WHAT'S NEXT: The court ordered EPA to file status updates on its CPP repeal effort every 30 days.

To view online [click here](#).

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Final defense policy bill would require Pentagon climate change study [Back](#)

By Connor O'Brien | 11/09/2017 04:04 PM EDT

The Pentagon would be required to detail threats posed by climate change to military installations under the compromise version of the National Defense Authorization Act, [H.R. 2810 \(115\)](#), released today.

The legislation calls on the Pentagon to rank the 10 most vulnerable installations within each service to the effects of climate change over the next two decades — including from rising sea

levels, flooding, drought and wildfires — and outline steps to mitigate any damage.

The report would be due within a year of the bill's enactment.

The climate change study was included in the House version of the defense policy bill, and the Senate accepted the provision in a joint conference committee.

Conservatives attempted to strip the provision during House floor debate in July, but Democrats and moderate Republicans joined to preserve the study requirement.

To view online [click here](#).

[Back](#)

Wheeler attended Murray meetings on DOE coal aid but says he didn't write company's pitch [Back](#)

By Alex Guillén | 11/08/2017 01:08 PM EDT

Andrew Wheeler, the nominee for EPA deputy administrator, says he represented Murray Energy in meetings with Energy Department and congressional officials to support Trump administration efforts to prop up ailing coal-fired power plants.

Wheeler, who counted Murray among his clients as a lobbyist at Faegre Baker Daniels, faced numerous questions at his confirmation hearing today over his work for the company, which would be one of the main beneficiaries of DOE's proposed grid rule, and its CEO Bob Murray, a top supporter of President Donald Trump. Wheeler said he attended a Murray Energy meeting at DOE where the grid proposal was discussed several months ago, as well as a meeting on Capitol Hill on the subject. He said he de-registered as a lobbyist in August.

Sen. Sheldon Whitehouse pressed Wheeler over Murray's comments in a recent PBS Frontline documentary. The CEO said he gave Trump "an action plan" outlining coal policies to pursue, including eliminating the Clean Power Plan.

"I did not work on that and I do not have a copy of that memo," Wheeler told Whitehouse at the Senate Environment and Public Works Committee hearing.

Wheeler said Murray gave him a copy to read in December or January. "I looked at it and handed it back to him, I don't have it," Wheeler said, adding that he did not recall any specifics.

Whitehouse said he hopes to get a copy of the plan with the help of EPW Chairman John Barrasso (R-Wyo.) now that Wheeler confirmed its existence.

WHAT'S NEXT: The committee will likely vote on Wheeler's nomination in the coming weeks.

To view online [click here](#).

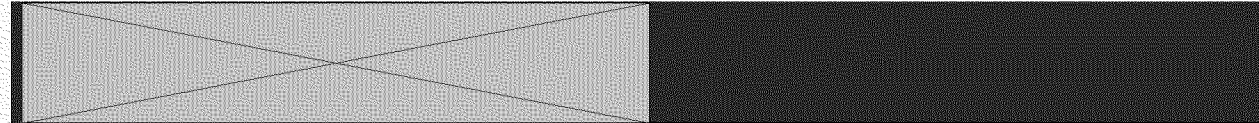
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Sent: Mon 5/22/2017 4:00:14 PM
Subject: [SPAM] Federal Insider: Trump, Hill Republicans target 'overly generous compensation' for feds



Trump, Hill Republicans target 'overly generous compensation' for feds

By Joe Davidson

WASHINGTON, DC – President Trump participates in a news conference with Colombian President Juan Manuel Santos in the White House in Washington on Thursday. (Photo by Jabin Botsford/The Washington Post)

With President Trump targeting federal employees' retirement programs and House Republicans taking aim at their compensation generally, Uncle Sam's goal of being a model employer looks shaky.

The administration's fiscal 2018 budget proposal, scheduled for release Tuesday, includes a series of cuts to retirement programs, as The Washington Post reported last week. Then, amid a torrent of reports denoting Trump as unfit, unprepared and unbecoming, Republicans took time for a hearing to promote the notion that feds are overpaid.

Together, the White House and congressional actions are a clear indication of Republican intent to extract savings at the expense of the workforce.

At Thursday's House Oversight and Government Reform Committee hearing, Rep. Mark Meadows (R-N.C.), chairman of the government operations subcommittee, complained "taxpayers are stuck paying for overly generous compensation" that "rewards tenure rather than performance."

Meadows, chairman of the right-wing House Freedom Caucus, always makes a point of praising "an incredibly dedicated federal workforce" and visiting their workplaces. That he is not a fed-basher demonstrates how pervasive his position is among Republicans who control Congress. With Republican Trump running the White House, Democrats are outnumbered in their attempt to protect workers from further incursions into their pocketbooks.

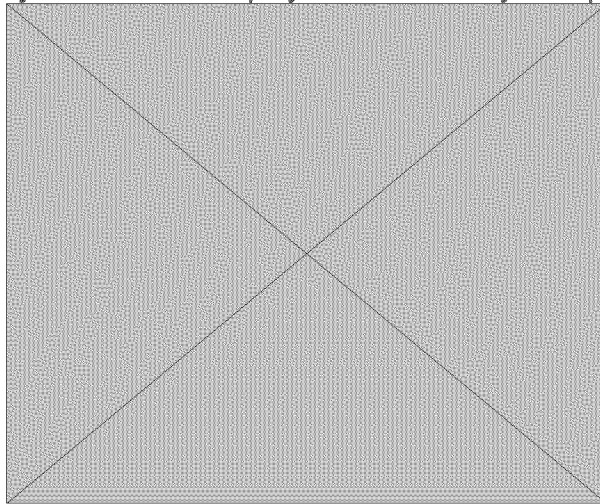
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Meanwhile, Democrats at the hearing placed federal pay in the larger context of wage stagnation. Trying to match companies that provide low pay and poor, if any, benefits is a race to the bottom Sam should avoid.

“The real lesson for today’s hearing is not that middle class federal workers are making too much,” said Rep. Elijah Cummings (Md.), the ranking Democrat on the panel. “It is that private sector workers — especially those with the lowest incomes and educations — are making too little.”

Because of previous hits, including a three-year partial pay freeze and previous increases in workforce retirement contributions, Rep. Gerald Connolly (Va.), the top subcommittee Democrat, said over the last several years federal employees, who “have been demonized, demoralized, and asked to sacrifice more” than others, “incurred more than \$182 billion in pay and benefit cuts, all in the name of deficit reduction.”

The Republican organized hearing had four critics of the current pay system and one supporter, Jacqueline Simon, policy director of the American Federation of Government Employees. She also is a member of the Federal Salary Council, a government panel of union and outside experts that determined federal employees overall suffer a 34 percent pay disparity with private sector and local and state counterparts. Since 2010, she said, inflation adjusted federal pay has fallen by 6.5 percent.



But she was outnumbered by the other witnesses who, in varying degrees, said the pay system is outdated or relatively munificent.

Joseph Kile, a Congressional Budget Office (CBO) assistant director: “Overall, the federal government paid 17 percent more in total compensation,” including 47 percent higher benefit costs primarily because the pension plan.

Robert Goldenkoff, Government Accountability Office strategic issues director: “Federal employees are compensated through an outmoded system that 1, rewards length of service rather than individual performance and contributions, and 2, automatically provides across-the-board annual pay increases, even to poor performers.”

Rachel Greszler, Heritage Foundation research fellow: “While the federal government does little to incentivize workers to perform their best or to reward those who go beyond their call of duty, it also does almost nothing to penalize poor performers.”

Your daily guide to the energy and

Andrew G. Biggs, American Enterprise Institute (AEI) resident scholar on the Salary Council's 34-percent disparity finding: “No one who has worked in state and local government boards would find this result to be even remotely
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Simon rebutted the CBO, saying its “extremely misleading” study uses a model that could lump a federal correctional officer with a “mail cop.”

Despite a strong turnout of Democratic members who generally supported her, Republicans and their chosen witnesses controlled the hearing's narrative that feds are paid too much. Recognizing Simon's forceful rebuttal, Meadows ask representatives of the conservative Heritage and AEI organizations to give him facts on “why from your perspective Ms. Simon is wrong...I need some facts...I need data points.”

While creating a new pay system is a long-term goal, significant hits on the retirement program could be a short-term reality. Trump's budget plan calls for a 1.9 percent pay raise for federal employees, but also would take their money away by:

- Increasing Federal Employee Retirement System (FERS) contributions from workers by 1 percentage point each year over five to six years. This would amount to increased out-of-pocket payments for most employees of about 6 percent over that period.
- Basing future retirement benefits on the average of the high five years of

salary instead of the current high three

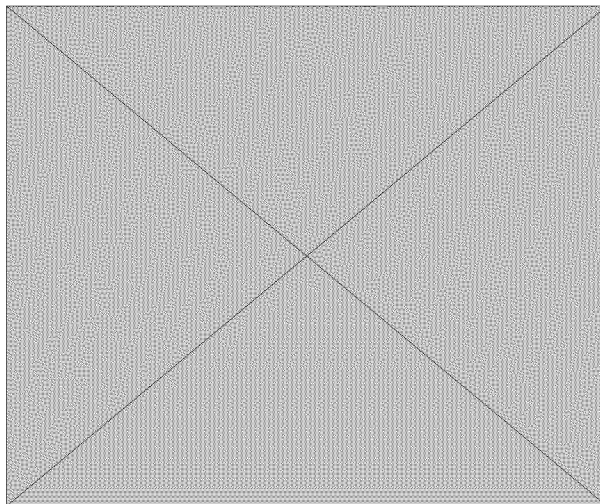
- Eliminating cost of living adjustments (COLA) for current and future FERS retirees
- Cutting the COLA for Civil Service Retirement System (CSRS) current and future retirees by 0.5 percent from what the formula would allow
- Abolishing supplement payments for FERS employees who retire beginning in 2018. The supplement approximates the value of Social Security benefits for those who retire before age 62.

“The biggest losers from President Trump’s draconian cuts to federal employee pay and benefits will be the American people who count on dedicated federal employees to care for our veterans, maintain our national parks, and process Social Security checks each and every day,” said Connolly. “Cuts of this magnitude will make it impossible to recruit and retain the qualified workforce we need to meet our nation’s challenges.”

Read more:

[Federal employees behind in pay by 34 percent on average, salary council says]

[Trump’s budget calls for hits on federal employee retirement programs]



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From: POLITICO
Sent: Mon 5/22/2017 3:06:30 PM
Subject: BREAKING NEWS: White House to seek 90-day delay in Obamacare subsidy suit

The Trump administration on Monday plans to ask a federal court for another 90-day delay in a lawsuit over Obamacare insurance subsidies, according to two administration sources, leaving the future of the health care marketplaces in limbo through late August.

The suit, *House v. Tom Price*, centers on Obamacare's cost-sharing program, which reimburses health insurers to help low-income people make co-payments at the doctor or hospital.

The legal motion in a case that was filed by House Republicans during the Obama administration is expected to be filed later Monday.

Read more: <http://www.politico.com/story/2017/05/22/white-house-to-seek-90-day-delay-in-obamacare-subsidy-suit-238674>

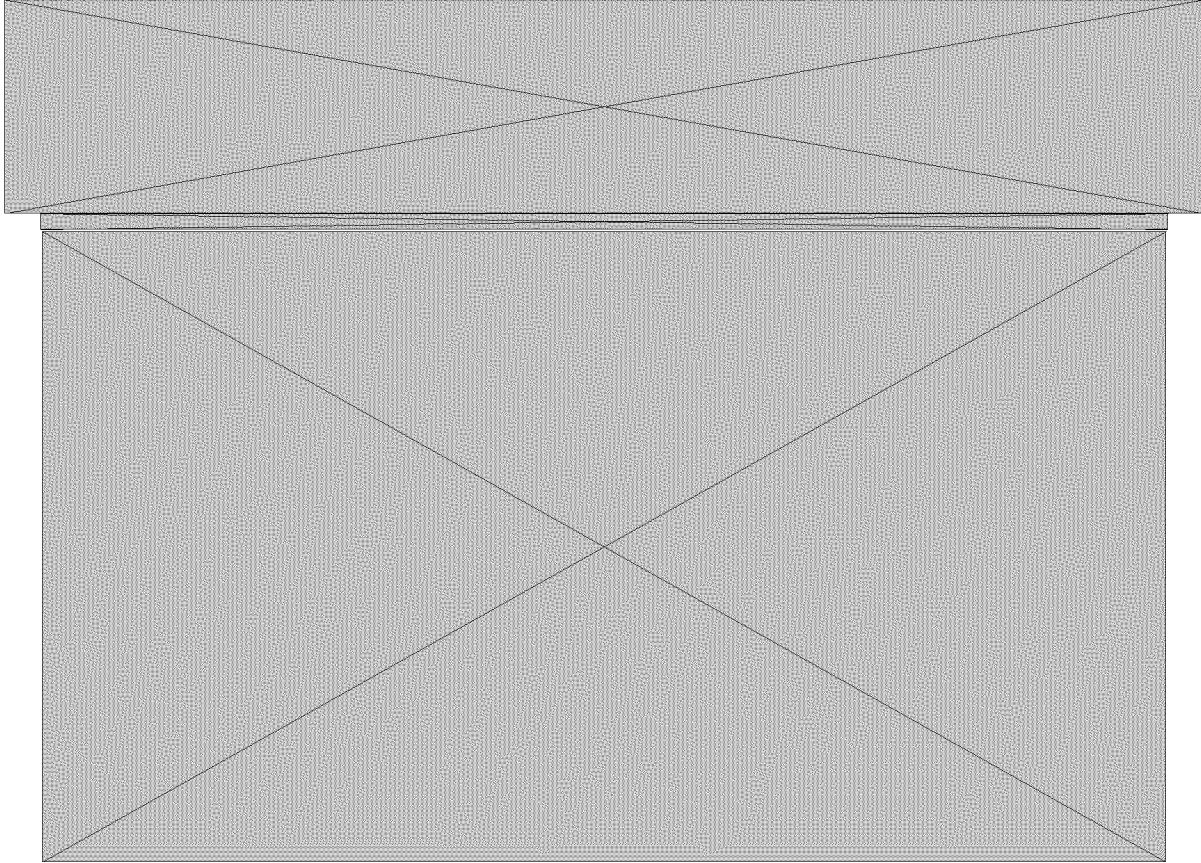
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From: GovTechWorks
Sent: Fri 11/10/2017 8:37:59 AM
Subject: Calculating Debt Can Focus IT Modernization | White House's IT Modernization Report | Big Risk With Big Data

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Calculating Debt Can Focus IT Modernization

Tracking technical debt isn't just for agile developers. Figuring out the hidden, long-term costs of maintaining legacy systems is also key to understanding whether it makes economic sense to keep those systems running or shut them down for good. [Read More](#)

How the Final IT Modernization Report Could Look

Response to the White House and its American Technology Council's draft report on IT modernization was favorable, with most praising the direction while urging more action, less

Big Risk With Big Data: Beware of Format Lock-in

Long-term big data projects demand developers take the long view because, as new

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paperwork and more flexibility to achieve its objectives. [Read More](#)

technologies emerge, existing data formats can quickly become obsolete. Planning and design choices today are critical to ensuring you can adapt in the future. [Read More](#)

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In building the Cyber Mission, the demand for cyber warriors is increasing.

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IT Staffs Lag in Job Satisfaction vs. Non-IT Workers

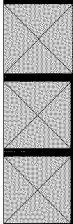
Some technology workers tend to feel less appreciated. But IT leaders can overcome such problems by ensuring employees understand the mission. [Read More](#)

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Mon 5/22/2017 2:03:16 PM
Subject: POLITICO's Morning Score: Quist leans on Sanders in final days of Montana special I — RNC doubled DNC in April fundraising — New GOP challenger for Stabenow in Michigan

By Daniel Strauss | 05/22/2017 10:00 AM EDT

With Scott Bland and Elena Schneider

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today. (<http://www.politicopro.com/proinfo>)

BERNING IN MONTANA - Quist leans on Sanders to charge up Montana Democrats," by Campaign Pro's Elena Schneider: "At five rallies scattered across the state, Sanders and Quist tapped into the populist streak that runs through Montana, hitting on themes of women's health and getting dark money out of politics. In the two-day tour, Sanders and Quist catered to the same swath of voters that delivered victory for the former in the 2016 Democratic presidential primaries, hoping that those voters will deliver again ... Some national Republicans are already pointing fingers at Gianforte more so than Republican disarray in Washington. Gianforte, dogged by reports that he blocked stream access on his ranch, dumped \$5 million of his own money into his 2016 gubernatorial bid but lost by 4 points to Gov. Steve Bullock, even as President Donald Trump won Montana by 20. 'Greg Gianforte is basically an unpopular incumbent trying to get reelected. Quist has \$5 million and used that to attack Gianforte on TV, and that reminds people why they didn't like him six months ago,' said a GOP strategist who's working on the race. 'It's close, but Gianforte is keeping it at a single digit lead.'" **Full story.**

- CEASE AND DESIST - Americans for Prosperity goes after Rob Quist for using a registered trademark: Attorneys for Americans for Prosperity, a group backed by the Koch brothers, sent a "cease and desist" letter to Democrat Rob Quist for using the phrase "Hands Off Our Health Care," which "is a registered trademark of AFP," per a spokesman for the group. Quist has used the phrase during his health care tour across Montana. But apparently, "the phrase was originated by AFP to fight against Obamacare," per an AFP spokesman. **Read the full letter here.**

FEC WEEKEND - RNC doubled up DNC in April: The Republican National Committee raised \$9.6 million and had \$41.4 million on hand in April, according to newly filed FEC reports, while the Democratic National Committee raised \$4.7 million and had \$8.8 million in the bank, while spending more than it raised. In the House, the NRCC raised \$10 million and had \$31.3 million on hand after April, while the DCCC raised \$9.1 million and had \$16.6 million on hand.

- MT-AL Republican Greg Gianforte gave his campaign another \$500,000 on Friday, per a new [FEC report](#). That's on top of \$1 million Gianforte had already loaned his campaign by May 5, the end of the pre-special election period.

2018 WATCH - Republican businesswoman Lena Epstein, a former co-chairwoman of the Trump campaign in Michigan, is announcing that she's running for Senate to unseat Democratic Sen. Debbie Stabenow. In a release out Monday: "Politicians have failed us, and Michigan citizens are looking for another way...I will take the fight directly to Debbie Stabenow because she has failed the people of Michigan after almost two decades in Washington with no major accomplishments. Twenty years of nothing is more than enough. Michigan deserves better."

- Kelly eyes Senate bid, won't run for governor in Pennsylvania: "GOP Rep. Mike Kelly has decided not to run for governor in Pennsylvania but is considering running against Democratic Sen. Bob Casey in 2018, he said in a statement. 'Earlier this week I reached out to several of the potential Republican candidates for Governor to inform them that I will not be pursuing the GOP nomination for that race,' Kelly said Friday. '... I plan to spend much of the coming weeks thoroughly considering a campaign for the GOP nomination for next year's U.S. Senate race.'" [Full story.](#)

Days until the 2017 election: 169.

Days until the 2018 election: 533.

Thanks for joining us. You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com and dstrauss@politico.com.

You can also follow us on Twitter: [@politicoscott](https://twitter.com/politicoscott), [@ec_schneider](https://twitter.com/ec_schneider), [@politicokevin](https://twitter.com/politicokevin) and [@danielstrauss4](https://twitter.com/danielstrauss4).

NEW THIS MORNING - Congressional Leadership Fund launches new TV ad on GA-06: The GOP super PAC's latest TV ad - part of its record-setting investment in the special election - attacks Democrat Jon Ossoff for his "loyalty to Nancy Pelosi and ties to West Coast liberal donors," per a memo from the group. The ad features actors standing in front of San Francisco landmarks, saying things like: "There's a reason Bay Area liberals have contributed more to Jon Ossoff's campaign than people in Georgia. He's one of us." **Watch the ad [here](#).**

AD WATCH - "Montana Democrats target voters who could lose insurance with digital ads," by Campaign Pro's Kevin Robillard: [Full story.](#)

SCENES FROM THE LEFT COAST - "Democratic divisions on display as Bauman wins California party chairmanship," by POLITICO California's Carla Marinucci and David Siders: "A caustic contest between the party establishment and 'Berniecrat' activists gripped the nation's largest Democratic party in Sacramento this weekend, underscoring fierce Democratic divisions at the state level that continue to simmer five months into Donald Trump's presidency. Even as longtime party operative Eric Bauman eked out a razor thin victory over progressive newcomer Kimberly Ellis to win the chairmanship of the California Democratic Party, party leaders warned of turbulence ahead. After a raucous day of protests, Bauman was declared the victor Saturday night by a razor-thin 62 vote margin out of nearly 3,000 votes cast. His

acceptance speech was marred by boos and protests from backers of Bernie Sanders' 2016 campaign who complained of a rigged election and unsuccessfully demanded a recount in the closing hours of the convention. The tumult showed that in the country's largest state - which is controlled entirely by Democrats - the Hillary Clinton-Bernie Sanders divide of 2016 and the intra-party sparring that followed Clinton's November loss remain very much at the forefront." [Full story.](#)

- **"Feinstein scalded by anti-Trump fervor," by POLITICO California's David Siders and Carla Marinucci:** "Liberal hecklers have protested outside [Dianne Feinstein](#)'s home. She's been confronted at a Los Angeles fundraiser and a San Francisco town hall meeting by progressives angered by her skeptical view of single payer health care and support for some of Donald Trump's earliest nominees. In a state marked by its unfettered resistance to the president, ... Feinstein's brand of moderation is showing signs of slipping out of favor ... Her public approval rating, while still in relatively positive territory, has ticked down. 'The time has absolutely changed for politicians like her,' said Robert Shearer, a state party executive board member who served as a delegate whip for Sen. Bernie Sanders' presidential campaign last year. As party activists convened here over the weekend for their annual convention, Shearer said of Feinstein, 'We are not going to tolerate it any more.'" [Full story.](#)

RECRUITING STATION - "Democrats Enlist Veterans Ahead of 2018 House Elections," by the Wall Street Journal's Reid Epstein: "Fifteen veterans have already launched 2018 House campaigns, and 10 more may enter races by this summer, Democratic officials say. ... For the first time this year, the DCCC is working with VoteVets, a liberal political-action committee with which the party's House campaign arm has often been at odds. VoteVets, which in the past has backed Democratic veterans in primary challenges, is now targeting competitive general election races. ... VoteVets is set this week to endorse Ms. Houlahan, along with Jason Crow against GOP Rep. Mike Coffman in Colorado and Doug Applegate and Josh Butner against GOP Reps. Darrell Issa and Duncan Hunter in Southern California.

- "In upstate New York, former Army intelligence officer Pat Ryan is preparing to challenge GOP Rep. John Faso. ... Dan Feehan, a 34-year-old Army veteran who served as a Defense Department official in [the Obama administration](#), is preparing to run in" open MN-01, being vacated by Democratic Rep. Tim Walz. [Full story.](#)

FUNDRAISING WATCH - House Minority Leader Nancy Pelosi will fundraise and appear at a public event with Democratic Rep. Ted Deutch in South Florida on May 26, the [Miami Herald](#) reports.

ADMINISTRATION SPEED READ - "Donald of Arabia," by POLITICO Magazine's Blake Hounshell : "Those who expected Donald Trump to fly into Riyadh and insult his Saudi hosts with the kinds of broadsides he delivered on the campaign trail against Islam and Muslims needn't have worried. The president who once accused Saudi Arabia of complicity in the 9/11 attacks praised its 'magnificent' and 'sacred land.' He looked comfortable trading pleasantries and sipping coffee with King Salman, the aging scion of the country's founding ruler, King Abdulaziz Ibn Saud. He soaked up the gaudy chandeliers, the gilded wall trimmings... [Trump] promised to 'apply new approaches informed by experience and judgment.' But he also warned

several times that the United States wouldn't be bearing any burden or paying any price to vanquish the terrorists that he had once boasted would be quickly and easily defeated." [Full story.](#)

- **"Trump Discovers the Dangers of Governing at Daredevil Speed," by The New York Times' Glenn Thrush:** "President Trump was determined to leave his mark on Washington quickly. Now the city is leaving its bruising mark on him, with the same astonishing swiftness that has been a hallmark of his lightning-strike political career....Aides talked about living in dread of '5 o'clock,' marking the arrival of the daily dump of damaging leaks or fresh reports of staff infighting. What unnerves Mr. Trump and his staff the most is the eerily familiar tempo of these disclosures. It is as if some unseen adversary has copied Mr. Trump's own velocity and ferocity in an attempt to destroy him, several people close to the president said. Sources are shuttling all kinds of information about Mr. Trump to reporters at a pace the White House cannot match." [Full story.](#)

CODA - QUOTE OF THE DAY: "He's made it very clear, at the end of this we're going to have to vote" - Sen. John Thune on early discussions Republican senators have had on moving the House Republican healthcare bill through the Senate, via [POLITICO's Burgess Everett and Jennifer Haberkorn.](#)

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<http://www.politico.com/tipsheets/morning-score/2017/05/22/quist-leans-on-sanders-in-final-days-of-montana-special-220428>

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Mon 5/22/2017 2:04:10 PM
Subject: POLITICO's Morning Energy, presented by POET: Skeptical lawmakers await first official Trump budget — Energy deals signed in Saudi Arabia as Trump visits — Controversial waters bill hits House floor again

By Anthony Adragna | 05/22/2017 10:00 AM EDT

With help from Ben Lefebvre and Darius Dixon

LET'S GET READY TO BUDGET! President Donald Trump may be out of the country, but all eyes are on the White House for the release of the fiscal year 2018 spending plan, which is expected to land on Tuesday. And if Friday's leak of the EPA budget numbers is indicative, federal agencies should expect the administration to stick pretty close to the deep cuts proposed in the March "skinny" budget. The EPA summary calls for a 31 percent overall budget cut for the agency and outlines significant rollbacks for programs that have been championed by lawmakers from both parties.

Lawmakers sounded warnings last week that the proposed cuts for 2018 were likely to be cast aside by Congress. Rep. Mike Simpson, chairman of the House Appropriations Subcommittee on Energy and Water, predicted deep GOP budget divisions would result in a yearlong continuing resolution, while Rep. Ken Calvert, who leads the EPA spending panel, said it would be "very difficult" to pass a package with anything like the cuts Trump's team called for last time around. But ... it appears the administration, led by OMB Director Mick Mulvaney, is dead set on spending a message so keep a close eye on lawmakers' reactions to the document Tuesday.

ICYMI: Pro's Budget & Appropriations Brief's Sarah Ferris and Jennifer Scholtes looked at how GOP lawmakers preemptively blasted the budget. And they reported how it reflects ongoing, internal White House divisions.

TRUMP HITS ISLAMIC STATE'S OIL SALES: Trump didn't delve into energy much at all during his speech to the Arab Islamic American Summit in Saudi Arabia Sunday, but he did call for countries around the world to "cut off the financial channels that let ISIS sell oil, let extremists pay their fighters, and help terrorists smuggle their reinforcements."

A wave of energy deals announced: Saudi Aramco announced \$50 billion worth of deals Saturday with various U.S. companies, including GE, Baker Hughes and Halliburton, that the oil and gas giant said would create thousands of jobs. Exxon Mobil and Saudi Basic Industries agreed to conduct a detailed study on the proposed Gulf Coast Growth Ventures project in Texas that when up and running could create 12,000 permanent jobs. GE announced \$15 billion worth of agreements that span a variety of industries, including the oil and gas sector. The announcements came as dozens of top U.S. executives gathered for a conference that coincided with Trump's visit to Saudi Arabia.

IT'S ANOTHER WEEK OF FUN EVERYONE! I'm your host Anthony Adragna, and Akin Gump's Christopher Treanor was first to identify Kentucky Gov. Matt Bevin as the chief

executive with a flock of nine children. For today: How many of the 50 states produce at least some wine? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

IT'S BAAAAAACK: House lawmakers are expected this week to consider (again) a controversial piece of legislation that would exempt pesticide applicators from needing a Clean Water Act permit when spraying over water. The Reducing Regulatory Burdens Act (H.R. 953) hits the House Rules Committee today ahead of likely floor action later in the week. The House passed an earlier iteration of the bill in May 2016.

DEVON EARLY BENEFICIARY OF PRUITT'S EPA: Five days after Scott Pruitt's Senate confirmation to run the EPA, Oklahoma's Devon Energy announced it would reconsider an air pollution settlement with the agency, The New York Times reports. It's part of the change in how energy companies are dealing with EPA now that Pruitt is at the helm, a shift that has benefited his long-time political ally.

Tweeted: The White House may be in turmoil, but Pruitt still tweeted out a couple of pictures with Vice President Mike Pence on Friday. He also posted a picture of a speech he gave to the Council for National Policy, a secretive group of conservative activists. And he met Friday with Rep. Pete Olson, a senior member of the Energy and Commerce Committee and author of legislation that would alter how EPA sets ozone limits.

SCIENCE PANEL CHAIR TO TESTIFY: Deborah Swackhamer, chairwoman of EPA's Board of Scientific Counselors, testifies Tuesday at a House Science Committee hearing entitled "Expanding the Role of States in EPA Rulemaking," Pro's Annie Snider reports. The professor of public policy and environmental health sciences at the University of Minnesota leads the EPA scientific advisory board that has been targeted by Pruitt for a membership revamp.

HOME STRETCH IN RACE TO REPLACE ZINKE: Voters head to the polls Thursday in a much-watched contest to fill Interior Secretary Ryan Zinke's seat as Montana's congressional representative. Sen. Bernie Sanders hit the stump for Democrat Rob Quist Saturday afternoon in Missoula. Both Quist and Republican Greg Gianforte have seen a late flood of television advertising in the contest.

DISMISSAL SOUGHT: The Massachusetts and New York attorneys general of have asked a court to dismiss Exxon Mobil's lawsuit alleging the AG offices have harassed the oil major. Massachusetts AG Maura Healey and New York AG Eric Schneiderman in a filing Friday said the harassment suit could have a chilling effect for regulators investigating allegations of corporate wrongdoing, adding that Exxon failed to "allege a ripe injury." The attorneys are investigating the oil major under allegations that it defrauded investors by sitting on its in-house research on climate change. Exxon and some Republicans have called the investigations politically motivated.

PERRY'S IN OAK RIDGE, BOYS: Continuing his tour of national laboratories, Energy Secretary Rick Perry tours Oak Ridge National Laboratory today at 4 p.m. in Knoxville, Tenn. Also coming along: Sen. Lamar Alexander, top Energy appropriator, and Rep. Chuck

Fleischmann.

ANOTHER INCIDENT AT HANFORD: Just days after a tunnel storing nuclear waste partially collapsed, a contractor working at the Hanford site Friday detected radioactive contamination on the clothing of one of its workers, according to the AP. Workers removed the tainted protective clothing and no further contamination was detected, but Washington Gov. Jay Inslee expressed further concern about the latest incident. "It is another urgent reminder that Congress needs to act, and they need to act quickly," he said in a statement.

That comes as Inslee and Oregon Gov. Kate Brown sent a letter to Trump, Perry and Mulvaney calling for increased federal spending on the clean up of the aging nuclear reservation. "New legal requirements require, and recent developments at the site have emphasized, the need for robust resources to ensure the federal government continues to make progress in cleanup," the two Democratic governors wrote.

MAIL CALL! THAT'S NO FUN(DING): Sens. Jeanne Shaheen and Maria Cantwell, ranking members of the Senate Small Business and Energy committees, sent a letter to Perry and Small Business Administration Administrator Linda McMahon asking why federal research and development grants to small businesses are being held up by the Trump administration. "We have consistently heard from small businesses that delays and missed deadlines by federal agencies have an outsize impact on small businesses," they wrote. "Unlike large firms and major research institutions, small businesses simply do not have the resources to tide them over when the government fails to meet its own deadlines."

BUILDING SUPPORT FOR CCS: Reps. Carlos Curbelo (R-Fla.) and Marc Veasey (D-Texas) are circulating a dear colleague letter in hopes of building support for legislation (H.R. 2011) that would boost the deployment of carbon capture and sequestration technologies. The bill would allow the use of tax-exempt private activity bonds to cut the upfront cost of installing the pricey technologies.

**** A message from POET - one of the world's largest ethanol producers:** With scientists and engineers, POET operates 30 biofuel facilities & America's first cellulosic biofuel plant. We produce a cleaner fuel for millions of drivers, every day. We're POET and we're driving innovation, from the ground up. Learn more here. **

SALT LAKE FOR NATIONAL MONUMENTS: Jackie Biskupski, the mayor of Salt Lake City, sent a letter to Zinke Friday asking him to retain the existing designations of Bears Ears and Grand Staircase-Escalante National Monuments without changes. "Any federal decision to modify acreage or roll back protection of these incredible spaces will have negative and far-reaching impacts on Salt Lake City, as well as our entire state," she wrote.

HITTING THE TOWN: Twenty CEOs from the Large Public Power Council, which represents the 26 largest consumer-owned utilities in the U.S. are in town today and tomorrow for meetings with administration officials and lawmakers on tax reform, infrastructure and cybersecurity. The group also celebrates its 30th anniversary with a reception tonight.

FOR YOUR VIEWING PLEASURE: The League of Conservation Voters is out with a [new video](#) urging action to resist Trump's environmental agenda. It features video from the People's Climate March, as well as interviews with Sen. Tom Carper, Massachusetts AG Maura Healey and former EPA Administrator Carol Browner.

MOVER, SHAKER: Suzanne Hammelman has been named president and chief operating officer of the Hawthorn Group, which offers communications advice to investor-owned utilities and other regulated industries. She was previously the firm's chief client officer.

Karen Wayland, a veteran energy policy adviser to both former Sen. Harry Reid and House Minority Leader Nancy Pelosi, starts today as the newly minted executive director of the Clean Energy Project, a Nevada-focused advocacy nonprofit. Wayland's most recent post was with the Energy Department's Energy Policy and Systems Analysis office and advising former Deputy Energy Secretary Elizabeth Sherwood-Randall. Outgoing executive director Jennifer Taylor plans to work with the Project as an advisor on state policy.

AND WELCOME: The United States Hispanic Chamber of Commerce has joined the Main Street Energy Alliance, which opposes efforts to alter the point of obligation requirement under the Renewable Fuel Standard.

QUICK HITS

- Scott Pruitt's first 100 days at the EPA have shown he's unlike any former chief. [Business Insider](#).
- Wind Project in Wyoming Envisions Coal Miners as Trainees. [New York Times](#).
- Shell shareholders to vote for new climate change goals. [The Guardian](#).
- Swiss voters embrace shift to renewable energy. [Reuters](#).
- In 2017 alone, enough US coal plants to power Qatar have announced closures. [Quartz](#).
- Duke Energy files lawsuit against environmentalists over NC coal power plant. [The News & Observer](#).

THAT'S ALL FOR ME!

**** A message from POET - one of the world's largest ethanol producers:** With scientists and engineers, POET is a biofuels company built from innovation. POET operates 30 biofuel facilities across eight states & America's first cellulosic biofuel plant. Across the country, we support 40,000 renewable energy jobs producing a cleaner fuel for millions of drivers, every day. We are securing a cleaner future for all of us. We're POET and we're driving innovation, from the ground up. Learn more [here](#). **

To view online:

<http://www.politico.com/tipsheets/morning-energy/2017/05/22/skeptical-lawmakers-await-first-official-trump-budget-220431>

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Mon 5/22/2017 2:03:05 PM
Subject: POLITICO's Morning Transportation, presented by Delta Air Lines: Court throws out FAA registration rule — Laptop ban talks move stateside — Democrats seek to stop raids on airport security funds

By Tanya Snyder and Brianna Gurciullo | 05/22/2017 10:00 AM EDT

With help from Stephanie Beasley and Lauren Gardner

NO DRONES GO: A federal appeals court Friday threw out the FAA's registration requirement for recreational drone users on the grounds that current law clearly forbids it, our Lauren Gardner [reports](#) for Pros. A 2012 law precludes the FAA from instituting "any rule or regulation regarding a model aircraft," the definition of which the agency relied upon when mandating registration of hobbyists' small craft in December 2015.

Hobby (drone) lobby: Expect drone groups representing both commercial users and hobbyists to storm the Hill in the coming months to ask for legislative language allowing the registry to continue in some form. Organizations like the [Association for Unmanned Vehicle Systems International](#) and the Small UAV Coalition blasted out statements vowing to work with lawmakers on the issue, which they say is critical to ensuring drones are safely incorporated into the national airspace. Conveniently enough, there's this little bill called an FAA reauthorization that needs to make it through Congress by Sept. 30, so expect this issue to get some play.

What's next: The FAA is "carefully reviewing" the decision, per a spokesman. It could opt to petition the appellate court for a rehearing with the full bench of judges - a three-judge panel heard this case in March. If that doesn't work, the agency could take it to the Supreme Court - or leave the ruling be.

HAPPY MONDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. We are your MT hosts today, so please send tips, feedback and lyrics to tsnyder@politico.com or [@TSnyderDC](https://twitter.com/TSnyderDC) and bgurciullo@politico.com or [@brigurciullo](https://twitter.com/brigurciullo).

"If you're out on the road / Feeling lonely and so cold / All you have to do is call my name / And I'll be there on the next train."

Want to keep up with MT's song picks? Follow our [Spotify playlist](#).

THIS WEEK:

Tuesday - Sen [Jim Inhofe](#) (R-Okla.) and Atlanta Mayor Kasim Reed [speak](#) with Chuck Todd and Axios' Jim VandeHei about infrastructure. The Senate Commerce space subcommittee holds a [hearing](#) on "how the outer space treaty will impact American commerce and settlement in space." Connected CarTalk D.C. holds a [happy hour](#).

Wednesday - The House Budget Committee holds a hearing on Trump's full fiscal 2018 proposed budget. The House Appropriations homeland security subcommittee holds a hearing on Trump's request for the DHS budget. The National League of Cities unveils its 2017 assessment of speeches by U.S. mayors.

Thursday - The Senate Budget Committee holds a hearing on Trump's full fiscal 2018 proposed budget. The Senate Appropriations homeland security subcommittee holds a hearing on Trump's request for the DHS budget. The Railroad Safety Advisory Committee holds a meeting. In New York City, the Young Professionals in Infrastructure hold a workshop on public-private partnerships.

INTERNATIONAL LAPTOP BAN TALKS MOVE STATESIDE: U.S. and European officials will hold the first of several meetings Monday in Washington to discuss the possible expansion of the so-called laptop ban to include airports in Europe, several sources told our colleagues at POLITICO Europe. DHS is mulling the idea of banning large electronics in-cabin on flights from some airports in Europe and beyond, in addition to the 10 airports in the Middle East and Africa where those devices were banned in March. Homeland Security Deputy Secretary Elaine Duke met with officials from the European Commission last week and agreed to keep discussions going. This week's meetings are expected to focus on actions the EU has taken to address security threats and terrorism and technical issues, like testing the safety of storing potentially explosive lithium-based batteries in cargo holds.

House members now up to speed: DHS Secretary John Kelly briefed House members before they left for the weekend. Rep. Bonnie Watson Coleman (D-N.J.), the ranking member of the House Homeland Security Committee's transportation panel, said she left the briefing feeling confident that DHS is thinking strategically. She said at some point the panel would be interested in examining the impacts of the ban, though that could be in a non-public setting. Rep. Scott Perry (R-Pa.) missed this briefing but said the security threats are credible and that the administration will undoubtedly apply the ban to more airports.

GBTA PROJECTS \$1.3B IN LOSSES AMID LAPTOP BAN BUZZ: As the travel and airline industries await news about a likely expansion of the ban on in-cabin laptops and other large electronic devices, the Global Business Travel Association is predicting a loss of over \$1.3 billion in travel-related expenditures in the United States for 2017. GBTA worries that "the cumulative impact of anti-travel policies," including Trump's multiple attempts at a travel ban from several Muslim-majority countries, convey the sentiment "that the United States is closed for business." In their "uncertainty forecast," released Friday, GBTA envisions reduced spending on hotels, food, rental cars and shopping, including a \$250 million drop in spending from business travelers from Europe and the Middle East. Even worse, they fear "the longer-term impact ... as companies begin to host meetings and events in other destinations."

NEW STAFF AT DOT: DOT posted a list over the weekend of political staff appointed to work under Secretary Elaine Chao, including several we've previously reported. Several had worked for Chao in the Labor Department during the George W. Bush administration, including Anthony Bedell, deputy assistant secretary for intergovernmental affairs; Laura Genero, senior adviser for strategic communications; and senior adviser Tamara Somerville. Lauren has more for Pros.

KEEP YOUR HANDS OFF MY STACK: Reps. Peter DeFazio (D-Ore.), Bennie Thompson (D-Miss.) and Bonnie Watson Coleman (D-N.J.) introduced a bill Friday that seeks to stop the practice of diverting some passenger security fees for other purposes. The lawmakers say the bill (H.R. 2514), introduced just as summer travel season is set to heat up, would "ease congestion and long lines" at airports screening checkpoints by relieving TSA staffing shortages. The bill would stop Congress from raiding revenues collected from airline passenger security fees to offset unrelated government spending, which they say has siphoned \$15 billion away from airport security since 2013.

**** A message from Delta Air Lines:** Our daily briefing: At Delta we're constantly innovating to make your travel smoother. We tapped RFID technology to keep your bags in check at all times. Giving you more peace of mind from check-in to baggage claim. Learn more: delta.com/dca **

SOUNDS LIKE SAFETRACK : In an open letter to President Donald Trump on Sunday, New York Gov. Andrew Cuomo appealed for federal help to avoid "a summer of agony" for users of Penn Station as Amtrak conducts extensive track repairs. Cuomo asserted that the subway system and alternative routes into the city will be "swamped" and overloaded. The governor said he was "open to working with the federal government on any and all short-term options," including "privatizing Penn Station's operations, and perhaps giving the whole complex over to the Port Authority of New York and New Jersey, which Cuomo jointly controls with Gov. Chris Christie." Dana Rubenstein has more, including the full text of the letter, in POLITICO New York.

MORE RULE DELAYS FROM DOT: DOT announced Friday that it's extending delays on two rules - one requiring passenger railroads to identify and address potential hazards and another mandating that new hybrid cars make a noise to warn pedestrians. The agency also asked for public comment about whether it's really necessary for airlines to collect information about tarmac delays and whether such requirements are overly burdensome.

U.S. INFRASTRUCTURE GETS SOME NEW SUGAR DADDIES: As Trump met with Saudi dignitaries over the weekend, business interests also bloomed between the two countries. Top Trump donor Steve Schwartzman's investment firm, Blackstone, secured a \$20 billion commitment from Saudi Arabia's Public Investment Fund to invest in U.S. infrastructure, anchoring what Schwartzman envisions as \$100 billion in infrastructure funding, primarily in the United States. "The fund was one of several business deals between an American company and Saudi Arabia announced after Mr. Trump's arrival," reported the New York Times. "At a ceremony in Riyadh on Saturday, General Electric said it had agreements for \$15 billion worth of projects. And the Trump administration helped line up \$110 billion worth of arms deals, negotiations in which senior officials played prominent roles."

GET OUT OF TOWN: Airlines for America predicts that the number of people traveling with U.S. carriers will jump 4 percent this summer compared to the same season last year. A4A anticipates more than 234 million people will take flights with U.S. airlines starting June 1 and ending Aug. 31 - a record for the industry. "Rising U.S. GDP, a steadily improving economy, all-time high household net worth and low airfares are fueling the expected growth in summer air

travel," John Heimlich, the group's vice president and chief economist, said in a [statement](#).

ELAINE CHAO BIKE-LESS ON BIKE TO WORK DAY: Transportation Secretary Elaine Chao [celebrated](#) Bike to Work Day Friday with DOT employees. But where's her bike?

GOOD TALK: Our very own Kathryn A. Wolfe joined Jacob Fischler from CQ Roll Call and Melanie Zanona from The Hill to chat Friday about what's known and still unknown about the Trump administration's expected infrastructure plan. Check out their [discussion](#) with Eugene Mulero from Transport Topics.

THE AUTOBAHN:

- "Ford Motor Is Replacing Mark Fields as C.E.O." [The New York Times](#).
- "FAA in line for more money for space awareness, STRATCOM says." [POLITICO Pro](#).
- "Much-maligned U.S. infrastructure shows signs of improvement." [The Wall Street Journal](#).
- "U.S. regulators approve VW diesel fix for 84,000 vehicles." [Reuters](#).
- "Disruptive passenger duct taped to his seat as flight lands under military escort." [The Washington Post](#).
- "The pros and cons of privatizing Penn Station, explained." [NJ.com](#).
- "Tesla factory workers reveal pain, injury and stress: 'Everything feels like the future but us.'" [The Guardian](#).
- "Uber threatens to fire self-driving car executive." [The Wall Street Journal](#).
- "Driver charged with murder in Times Square crash." [CNN](#).
- "Sheriff David Clarke plagiarized portions of his master's thesis on homeland security." [CNN](#).

THE COUNTDOWN: DOT appropriations run out in 132 days. The FAA reauthorization expires in 132 days. Highway and transit policy is up for renewal in 1,228 days.

**** A message from Delta Air Lines:** Our daily briefing: At Delta we're constantly innovating to make your travel smoother. We tapped into RFID technology to keep your bags in check at all times. Giving you more peace of mind from check-in to baggage claim.

Our pursuit of constantly solving problems doesn't stop there. Turbulence is notoriously difficult to predict. That's why we developed our industry-leading Flight Weather Viewer app. It helps our pilots better spot and avoid unexpected turbulence with real-time graphics of observations and forecasts on the flight deck. Making your journey smoother while also reducing our carbon footprint.

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<http://www.politico.com/tipsheets/morning-transportation/2017/05/22/court-throws-out-faa-registration-rule-220438>

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EHS Federal Regulatory Alert

May 22, 2017 - Number 97

You can create a report customized by topic, jurisdiction, and date range by using the [Regulatory Summaries Report Tool](#). The report can be generated in Excel, Word, or PDF.

Summaries

AIR

Louisiana SIP/VOCs and Stage II Vapor Recovery

AIR

Notice of the EPA announces the withdrawal of a March 23, 2017, direct final rule (82 FR 14822) that would have amended regulations under 40 CFR 52.970 to approve revisions to the Louisiana SIP regarding control of volatile organic compounds and the Stage II vapor recovery program. The revisions would have exempted from Stage II vapor recovery requirements facilities used exclusively for the initial fueling and/or refueling of vehicles equipped with onboard refueling vapor recovery. The revisions also would have provided an exemption from the submerged fill pipe provisions for a limited number of tanks at a specific facility. In addition, the revisions would have addressed notifications to the Louisiana Department of Environmental Quality and due dates for reporting regarding VOC loading, marine vapor recovery and specified incinerators. The withdrawal is in response to adverse comments that were received by the agency. The notice specifies that the comments will be addressed in a subsequent final rule. The withdrawal is effective May 22, 2017. Contact: Wendy Jacques; EPA Region 6; 214-665-7395

82 FR 23148 (05/22/2017)

Regulatory Update

AIR

Texas SIP/EI Paso Carbon Monoxide Limited Maintenance Plan

AIR

Notice of the EPA announces the withdrawal of a March 21, 2017, direct final rule (82 FR 14442) that would have amended regulations under 40 CFR 52.2270 to approve a revision to the Texas SIP. The revision concerns a second 10-year maintenance plan for the eight-hour carbon monoxide NAAQS for the El Paso area, including the 2014 emissions inventory and a contingency plan. The withdrawal is in response to an adverse comment that was received by the agency. The notice specifies that the comment will be addressed in a subsequent final rule. The withdrawal is effective May 22, 2017. Contact: Jeffrey Riley; EPA Region 6; 214-665-8542; riley.jeffrey@epa.gov

82 FR 23148 (05/22/2017)

Regulatory Update

ENDANGERED SPECIES

Oklahoma/American Burying Beetle Incidental Take Permits
ENDANGERED SPECIES

Notice of the U.S. Fish and Wildlife Service announces the receipt of seven applications for incidental take permits under the amended oil and gas industry conservation plan in Oklahoma for the endangered American burying beetle. The applications relate to geophysical exploration (seismic) and construction, maintenance, operation, repair and decommissioning of oil and gas well field infrastructure and pipelines in the state. Comments are due June 21, 2017. Contact: Marty Tuegel; USFWS, Environmental Review Division; 505-248-6651

82 FR 23288 (05/22/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Alaska/Cook Inlet Program Area OCS Lease Sale/Record of Decision
GENERAL ENVIRONMENT AND SAFETY

Notice of the Bureau of Ocean Energy Management announces the availability of the record of decision for the Outer Continental Shelf (OCS) oil and gas Lease Sale 244 in the Cook Inlet Program Area offshore of Alaska. The agency selected the preferred alternative to hold lease sales, subject to mitigation measures to reduce potential impacts to sensitive biological resources and other uses of the OCS, including beluga whales, northern sea otters and the gillnet fishery. A concurrent final notice specifies the terms and conditions of the sale, the bid submission deadline and the bid opening date. Contact: Sharon Randall; BOEM, Environmental Analysis Section; 907-334-5235

82 FR 23295 (05/22/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Arkansas/Three Rivers Study Site
GENERAL ENVIRONMENT AND SAFETY

Notice of the U.S. Army Corps of Engineers announces the withdrawal of a Sept. 14, 2015, notice of intent (80 FR 55103) to prepare a draft feasibility report and associated environmental impact statement regarding hydrologic and hydraulic problems affecting the Three Rivers Study site in Desha and Arkansas counties in Arkansas on the McClellan-Kerr Arkansas River navigation system. The report and EIS would have addressed proposed ecosystem restoration efforts and their impact on navigation, recreation, hydropower, flood risk management, infrastructure, fish and wildlife, wetlands, and timber and forestry management. The notice specifies that the agency will instead prepare an environmental assessment for the proposed project. Contact: Craig Hilburn; USACE, Little Rock District; 501-324-5735; david.c.hilburn@usace.army.mil

82 FR 23206 (05/22/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

California/Scorpion Pier Replacement Project

GENERAL ENVIRONMENT AND SAFETY

Notice of the National Park Service announces the availability of a final environmental impact statement for the replacement of Scorpion Pier on Santa Cruz Island, part of Channel Islands National Park in Santa Barbara and Ventura counties in California. The EIS identifies alternative two, the construction of a new replacement pier south of the existing location and minor road improvements, as the preferred alternative and specifies proposed mitigation measures. A record of decision will be issued no sooner than 30 days following publication by the EPA of a notice of availability of the final EIS. Contact: Russell Galipeau; NPS, Channel Islands National Park; 805-658-5702; russell_galipeau@nps.gov

82 FR 23290 (05/22/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Endocrinologic and Metabolic Drugs Advisory Committee Meeting

GENERAL ENVIRONMENT AND SAFETY

Notice of the Food and Drug Administration announces a meeting of the Endocrinologic and Metabolic Drugs Advisory Committee. The committee will discuss a supplemental new drug application (sNDA 022341) for Victoza (liraglutide) injection as an adjunct to standard treatment of cardiovascular risk factors to reduce the risk of major adverse cardiovascular events in adults with type 2 diabetes mellitus and high cardiovascular risk. The meeting is scheduled for June 20, 2017, in Silver Spring, Md. Comments are due June 6, 2017. Contact: LaToya Bonner; FDA, Center for Drug Evaluation and Research; 301-796-9001; EMDAC@fda.hhs.gov

82 FR 23251 (05/22/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Louisiana/Terrebonne Parish Natural Gas Pipelines and Facilities

GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Energy Regulatory Commission announces the filing of an application by Texas Gas Transmission LLC, of Houston, for authorization to abandon certain natural gas pipeline assets and ancillary facilities and appurtenances in Terrebonne Parish, La. The applicant requests authorization to abandon in place and by removal a total of 18.6 miles of pipeline and abandon by removal two platforms and auxiliary appurtenances inactive since 2005. The agency plans to complete an environmental assessment or issue a notice of schedule for environmental review by Aug. 14, 2017. Protests and motions to intervene are due July 14, 2017. Contact: FERC; 866-208-3676; FERCOOnlineSupport@ferc.gov

82 FR 23236 (05/22/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Massachusetts/Mystic River Project

GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Energy Regulatory Commission announces the filing of a prior notice request by Algonquin Gas Transmission LLC, of Houston, to replace a segment of pipeline underneath the channel of the Mystic River in Arlington, Medford and Somerville, Mass. The agency will complete an environmental assessment or issue a notice of schedule of environmental review by Aug. 14, 2017. Protests and motions to intervene are due July 14, 2017. Contact: FERC; 866-208-3676; FEROnlineSupport@ferc.gov

82 FR 23241 (05/22/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Missouri/Osage Hydroelectric Project

GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Energy Regulatory Commission announces the filing of a hydroelectric application by Union Electric Co., doing business as Ameren Missouri, of St. Louis, for a shoreline management plan (SMP) update for the Osage Hydroelectric Project located on the Osage River in Benton, Camden, Miller and Morgan counties in Missouri. The SMP update revises the nonconforming structures sections to reflect the program's current status and provides permitting guidance for proposed shoreline development on islands not owned by the applicant and for limited authorization of walkways, patios and decks. The SMP update also revises Lake of the Ozarks permit requirements to reflect current permitting practices and removals outdated SMP provisions. Comments are due June 15, 2017. Contact: Shana High; FERC; 202-502-8674; shana.high@ferc.gov

82 FR 23238 (05/22/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

New Hampshire, Vermont/Bellows Falls, Vernon and Wilder Projects

GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Energy Regulatory Commission announces the filing of three hydroelectric applications by Great River Hydro LLC, of Portsmouth, N.H., for new major licenses for the Bellows Falls, Vernon and Wilder projects on the Connecticut River in seven counties in New Hampshire and Vermont. The projects will be operated in coordination and in a peaking mode. The commission will issue a revised procedural schedule with target dates for the post-filing milestones once revised study reports are filed. Comments are due June 14, 2017. Contact: Brandon Cherry; FERC; 202-502-8328; brandon.cherry@ferc.gov

82 FR 23239 (05/22/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

New York/Hunts Point Interstate Access Improvement Project

GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Federal Highway Administration, in cooperation with the New York State Department of Transportation, to prepare an environmental impact statement for the proposed Hunts Point Interstate Access Improvement Project in Bronx County, N.Y. The project will provide improved access between the Hunts Point Peninsula and the Sheridan and Bruckner expressways for automobiles and trucks traveling to and from commercial businesses located on the peninsula. The project also will address structural and operational deficiencies related to existing infrastructure within project limits. Hearings will be announced at a later date. Comments are requested, but a due date is not specified. Contact: Peter Osborn; FHWA, New York Division; 518-431-4127

82 FR 23485 (05/22/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Oregon/Sherman Hydroelectric Project

GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Energy Regulatory Commission announces the filing of a notice of intent to file a license application and a request to use the traditional licensing process for the Sherman Hydroelectric Project at the U.S. Army Corps of Engineers' John Day Dam Juvenile Fish Sampling and Monitoring Facility on the Columbia River in Sherman County, Ore. The project is proposed by Rivertec Partners LLC, of Buffalo, Wyo. The notice specifies that the agency is initiating consultation with the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration regarding joint agency requirements. Contact: Kim Nguyen; FERC; 202-502-6105; kim.nguyen@ferc.gov

82 FR 23242 (05/22/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Pennsylvania/Line YM28 and FM120 Modernization Project

GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Federal Energy Regulatory Commission to prepare an environmental assessment for the proposed Line YM28 and FM120 Modernization Project in Cameron, Elk and McKean counties in Pennsylvania. The project, proposed by National Fuel Gas Supply Corp., of Williamsville, N.Y., consists of construction of 14.4 miles of new pipeline, installation of 5.8 miles of pipeline within existing pipeline of Line FM120, removal from service of 12.5 miles of Line FM120, and abandonment of 7.7 miles of Line YM28. Comments are due June 15, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCONlinesupport@ferc.gov

82 FR 23230 (05/22/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

West Virginia/Rhodes Storage Field Complex and Skin Creek Storage Field

GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Energy Regulatory Commission announces the filing of a prior notice request by Equitrans LP, of Pittsburgh, for authorization to modify and abandon in part an injection/withdrawal well at Rhodes Storage Field Complex and Skin Creek Storage Field in Lewis County, W.Va., and abandon in-place approximately 2,553 feet of the associated natural gas storage pipeline. The notice specifies that the agency will complete an environmental assessment or issue a notice of schedule of environmental review by Aug. 14, 2017. Protests and motions to intervene are due July 17, 2017. Contact: FERC, Office of External Affairs; 866-208-3676; FERCOOnlineSupport@ferc.gov

82 FR 23243 (05/22/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Industrial Plant and Tourist Railroad Bridge Safety Standards

HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Federal Railroad Administration announces additional information and the extension of the comment period for an April 11, 2017, notice of intent (82 FR 17498) to seek OMB approval for a continuing information collection request regarding industrial plant and insular tourist railroads subject to FRA bridge safety standards (49 CFR 237). The collection requires operators of industrial plants and tourist railroads exempt from reporting requirements under 49 CFR 225 to advise the FRA by email that there are bridges within the installation that are potentially subject to bridge safety standards. The notice provides the email address railroads should use to provide the requested information. Comments now are due July 21, 2017. Contact: David Killingbeck; FRA, Office of Technical Oversight; 202-493-6251; FRAPlantTouristSurvey@dot.gov

82 FR 23486 (05/22/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Railroads/System Safety Programs

HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Federal Railroad Administration further delays until June 5, 2017, the effective date of an Aug. 12, 2016, final rule (81 FR 53850) that adopts regulations under 49 CFR 270.1 through 270.305 (nonconsecutive) to establish the System Safety Program for commuter and intercity passenger railroads. The agency previously delayed (82 FR 14476; 03/21/2017) the effective date until May 22, 2017, in response to a presidential memorandum establishing a regulatory freeze. Contact: Matthew Navarrete; FRA; 202-493-0138; Matthew.Navarrete@dot.gov

82 FR 23150 (05/22/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Advisory Board on Radiation and Worker Health/Dose Reconstruction Reviews

Subcommittee Meeting

OCCUPATIONAL SAFETY AND HEALTH

Notice of the Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, announces a meeting of the Advisory Board on Radiation and Worker Health Subcommittee for Dose Reconstruction Reviews. The meeting will address dose reconstruction cases from the Oak Ridge sites, Hanford, the Fernald Feed Materials Production Center, the Mound Plant, the Rocky Flats Plant, the Nevada test site, the Idaho National Laboratory, and the Savannah River site. The meeting is scheduled for June 27, 2017, via conference call. Comments are due June 27, 2017. Contact: Theodore Katz; NIOSH; 513-533-6800; ocas@cdc.gov

82 FR 23250 (05/22/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Examinations of Working Places in Metal and Nonmetal Mines

OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Mine Safety and Health Administration delays until Oct. 2, 2017, the effective date of a Jan. 23, 2017, final rule (82 FR 7680) that amends regulations under 30 CFR 56.18002 and 57.18002 regarding standards for the examination of working places in metal and nonmetal mines. The rule requires an examination of the working place to be conducted before miners begin work in an area, requires operators to promptly notify miners of any conditions found that may adversely affect their safety or health, and requires operators to promptly take corrective action. The rule also requires the examination record to include the name of the examiner, examination date, location of areas examined, a description of adverse conditions found and the date of corrective action. In addition, the rule requires operators to make the examination record available to authorized representatives of the secretary of Labor and miners' representatives and to provide a copy upon request. MSHA is delaying the effective date to allow additional time for the agency to provide stakeholders training and compliance assistance. Contact: Sheila McConnell; MSHA, Office of Standards, Regulations and Variances; 202-693-9440; mcconnell.sheila.a@dol.gov

82 FR 23139 (05/22/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Nationally Recognized Testing Laboratories/TUVRNA

OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces the receipt of and preliminary finding to grant an application from TUV Rheinland of North America (TUVRNA) Inc., of Newtown, Conn., for expansion of its recognition as a nationally recognized testing laboratory under 29 CFR 1910.7. The expansion involves the addition of the test standard for low voltage lighting systems to its scope of recognition. Comments are due June 6, 2017. Contact: Kevin Robinson; OSHA, Directorate of

Technical Support and Emergency Management; 202-693-2110; robinson.kevin@dol.gov

82 FR 23314 (05/22/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Personnel Training/Grantee Quarterly Progress Report

OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of OSHA to seek OMB approval for a continuing information collection request concerning the grantee quarterly progress report for grant-funded training activities. The collection addresses nonprofits that provide training courses for personnel that address proper use of safety and health equipment and the prevention of unsafe and unhealthful working conditions. Comments are due July 21, 2017. Contact: Annette Braam; OSHA, Office of Training and Educational Programs; 847-759-7781

82 FR 23315 (05/22/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Petition for Modification of Mine Safety Standards

OCCUPATIONAL SAFETY AND HEALTH

Notice of the Mine Safety and Health Administration announces the receipt of a petition to modify the application of existing mandatory safety standards under 30 CFR 75.350 concerning belt air course ventilation. The petitioner, Canyon Fuel Co., of Salina, Utah, seeks modification of the existing standard to allow the use of the belt entry as a ventilation air course for the use of a two-entry system. Comments are due June 21, 2017. Contact: Barbara Barron; MSHA, Office of Standards, Regulations and Variances; 202-693-9447; barron.barbara@dol.gov

82 FR 23309 (05/22/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Petitions for Modification of Mine Safety Standards

OCCUPATIONAL SAFETY AND HEALTH

Notice of the Mine Safety and Health Administration announces the receipt of a petition to modify the application of existing mandatory safety standards under 30 CFR 57.22305 concerning the use of certain nonpermissible equipment for mine surveying in or beyond the last open crosscut. The petitioner, Solvay Chemicals Inc., of Houston, seeks a modification of the existing standard to allow the Leica MS60 surveying instrument to be used at its mine in Sweetwater County, Wyo. Comments are due June 21, 2017. Contact: Barbara Barron; MSHA, Office of Standards, Regulations and Variances; 202-693-9447; barron.barbara@dol.gov

82 FR 23308 (05/22/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Standard on Powered Platforms for Building Maintenance

OCCUPATIONAL SAFETY AND HEALTH

Notice announces the intention of OSHA to seek OMB approval for a continuing information collection request regarding the standard on powered platforms for building maintenance (29 CFR 1910.66). The collection addresses the requirement for employers to develop and implement written emergency action plans for each type of powered platform operation to explain the emergency procedures that workers are to follow if they encounter a disruption of the power supply, an equipment failure or other emergency. Comments are due July 21, 2017. Contact: Theda Kenney; OSHA; 202-693-2222

82 FR 23312 (05/22/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Alaska/Cook Inlet Program Area OCS Lease Sale/Terms and Conditions

OIL AND GAS INDUSTRY

Notice of the Bureau of Ocean Energy Management announces the final notice of sale for the Outer Continental Shelf oil and gas Lease Sale 244 in the Cook Inlet Program Area offshore of Alaska. The notice establishes the terms and conditions of the sale, including minimum bids, royalty rates and rental rates. The bid submission deadline is June 20, 2017, and bid opening is scheduled for June 21, 2017. A concurrent notice announces the availability of the agency's record of decision for the lease sale. Contact: David Diamond; BOEM, Leasing Division; 703-787-1776; david.diamond@boem.gov

82 FR 23291 (05/22/2017)

Regulatory Update

PESTICIDES

Certification of Pesticide Applicators/Extension of Effective Date

PESTICIDES

Final rule of the EPA delays until June 5, 2017, the effective date of a Jan. 4, 2017, final rule (82 FR 952) that establishes numerous restrictions and standards for certified commercial and private applicators of restricted use pesticides. The rule, for example, expands private applicator competency standards; adds categories for aerial application, soil fumigation, nonsoil fumigation, the use of sodium cyanide dispensed through a mechanical ejection device and the use of sodium fluoroacetate dispensed through livestock protection collars; and requires commercial and private applicators who apply pesticides aerially or by fumigation to demonstrate competency for such categories. The agency previously delayed the effective date on two occasions to allow it to conduct a substantive review of the rule. On May 15, 2017 (82 FR 22294) the agency further delayed the effective date until May 22, 2018, but sought comments on that delay. The current action is intended to give the agency time to consider those comments before confirming the May 22, 2018, effective date. Contact: Kevin Keaney; EPA, Office of Pesticide Programs; 703-305-5557; keaney.kevin@epa.gov

82 FR 23148 (05/22/2017)

Regulatory Update

WATER

Lead Poisoning Prevention Subcommittee Meeting

WATER

Notice of the Centers for Disease Control and Prevention, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry, announces a meeting of the Lead Poisoning Prevention Subcommittee. The agenda includes discussions on the Lead Poisoning Prevention Program, the Flint Registry and a revision of the blood lead level reference value. The agenda also includes discussions on legislative requirements of a new lead exposure and prevention federal advisory committee and federal partnership efforts. The meeting is scheduled for June 23, 2017, via teleconference. Contact: Amanda Malasky; CDC, NCEH/ATSDR; 770-488-7699; AMalasky@cdc.gov

82 FR 23250 (05/22/2017)

Regulatory Update

WATER

Susquehanna River Basin Commission/Projects Approved for Consumptive Water Uses

WATER

Notice of the Susquehanna River Basin Commission announces the availability of a list of projects approved for consumptive use of water during the period April 1-30, 2017. The notice addresses projects approved under 18 CFR 806.22(e) and 806.22(f) for consumptive use, including uses related to unconventional natural gas and other hydrocarbon development. Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

82 FR 23482 (05/22/2017)

Regulatory Update

WATER

Susquehanna River Basin Commission/Projects Rescinded for Consumptive Uses of Water

WATER

Notice of the Susquehanna River Basin Commission announces the availability of a list of projects rescinded during the period April 1-30, 2017. The notice addresses projects being rescinded for the consumptive use of water pursuant to the commission's approval by rule under 18 CFR 806.22(e) and 806.22(f). Contact: Jason Oyler; SRBC; 717-238-0423; joyler@srbc.net

82 FR 23483 (05/22/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Mon 5/22/2017 12:31:57 PM
Subject: [SPAM] May 22 -- EHS State Regulatory Alert



EHS State Regulatory Alert

May 22, 2017 - Number 97

You can create a report customized by topic, jurisdiction, and date range by using the [Regulatory Summaries Report Tool](#). The report can be generated in Excel, Word, or PDF.

Alaska

SOLID WASTE **Solid Waste Management** **Alaska SOLID WASTE**

Notice of the Department of Environmental Conservation announces an extension of the comment period for an April 24, 2017, proposed rule to amend regulations under 18 AAC 60.005 through .990 (nonconsecutive); adopt regulations under 18 AAC 60.009, .432, .465, .466, .467 and .468; and repeal and readopt regulations under 18 AAC 60.007, .008 and .700 regarding solid waste management requirements for oil and gas exploration and production waste, coal ash, medical waste and biosolids. The rule excludes drilling and medical waste treatment facilities and facilities that treat sewage solids or septage to create biosolids from the exemption for small treatment facilities. The rule also revises the standards for the beneficial use of solid waste as structural fill material or as an ingredient in manufactured products, updates small treatment facilities permitting and biosolid requirements, allows for the approval of short-term solid waste treatment facilities via plan approval rather than through permit, and deletes provisions concerning drilling waste disposal facilities. In addition, the rule establishes standards for coal ash landfill applications and locations, drilling waste disposal facilities, the closure of inactive reserve pits and drilling waste disposal facilities, and the closure and post-closure of coal ash landfills. Finally, the rule provides design and monitoring criteria for coal ash landfills and updates fees. Comments now are due June 26, 2017. Contact: Rebecca Colvin; DEC, Division of Environmental Health; 907-269-7802; rebecca.colvin@alaska.gov

—Alaska Regulations (05/18/2017)

[Regulatory Update](#)

Indiana

AIR

Burning Regulations/Emissions Limits for Outdoor Hydronic Heaters
Indiana AIR

Notice announces the intention of the Department of Environmental Management, Air Pollution Control Division, to readopt regulations under 326 IAC 4-3-1 through -6 regarding emission limits for outdoor hydronic heaters. Comments are due June 16, 2017. Contact: Jack Harmon; DEM, Office of Legal Counsel; 317-234-9535; jaharmon@idem.in.gov

—Indiana Register (05/17/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT
Underground Storage Tanks/Excess Liability Trust Fund
Indiana HAZARDOUS WASTE MANAGEMENT

Notice announces the intention of the Department of Environmental Management, Underground Storage Tank Financial Assurance Board, to readopt regulations under 328 IAC 1-1-2.2 through -6 (nonconsecutive) regarding payment of corrective action and third-party liability claims from the Excess Liability Trust Fund concerning underground storage tanks. Comments are due June 16, 2017. Contact: Dan Watts; DEM, Office of Legal Counsel; 317-234-5345; dwatts1@idem.in.gov

—Indiana Register (05/17/2017)

Regulatory Update

WATER
Water Quality Standards/Wastewater Treatment Facilities, Wetlands Activity Permits
Indiana WATER

Notice announces the intention of the Department of Environmental Management, Water Pollution Control Division, to readopt regulations under 327 IAC 3-2, 3-6, 5-3.5 and 17 regarding permit issuances and construction and permit requirements for wastewater treatment facilities, industrial wastewater pretreatment programs and wetlands activity permits. Comments are due June 16, 2016. Contact: MaryAnn Stevens; DEM, Office of Legal Counsel; 317-233-8635; mstevens@idem.in.gov

—Indiana Register (05/17/2017)

Regulatory Update

Kansas

HAZARDOUS WASTE CLEANUP
Voluntary Cleanup and Property Redevelopment Program
Kansas HAZARDOUS WASTE CLEANUP

Proposed rule of the Department of Health and Environment amends regulations under KAR 28-

71-1 through -12 regarding the Voluntary Cleanup and Property Redevelopment Program. The rule clarifies eligibility criteria and the application process, specifies the information needed to justify contaminant class, and reduces the number of contamination classes to two. The rule also requires voluntary cleanup work to be performed in compliance with industry practices; allows flexibility for voluntary parties to develop the scope of work; revises the objectives for remediation proposals; and allows verification sampling to be conducted by the voluntary party, the department, or both. In addition, the rule establishes new pathways and classifications for no further action determinations, clarifies the approaches to determine soil and groundwater cleanup levels based on actual and probable use of groundwater, and removes duplicative provisions for public notification and participation. Finally, the rule increases the initial deposit amount for contaminant Class I to \$2,000; requires applicants to maintain a balance of \$1,000 for Class I properties and \$2,000 for Class II properties in the voluntary party's account until project completion; and revises oversight requirements and requirements for environmental site assessments. A hearing is scheduled for July 27, 2017, in Topeka. Comments are due July 27, 2017. Contact: Deanna Ross; DHE, Bureau of Environmental Remediation; 785-296-8064; deanna.ross@ks.gov

—Kansas Register (05/18/2017)

Regulatory Update

WATER

NPDES Water Pollution Control Permit/Construction Activities

Kansas WATER

Notice of the Department of Health and Environment announces the availability of a draft combined Kansas/National Pollution Discharge Elimination System water pollution control general permit for stormwater runoff from construction activity. The permit covers the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to discharges of stormwater from construction activities that disturb at least one acre or that are part of a larger common plan of development or sale that disturbs at least one acre. The permit will replace the existing Dec. 29, 2011, general permit. Comments are due June 17, 2017. Contact: Susan Mosier; DHE; 785-296-0461

—Kansas Register (05/18/2017)

Regulatory Update

WATER

Public Water Supply Loan Fund/Intended Use Plan

Kansas WATER

Notice of the Department of Health and Environment announces a draft amendment to the Kansas Public Water Supply Loan Fund intended use plan for the 2018 program year. The amendment makes additions to the project priority list and includes estimates and uses of capitalization grants from the EPA. A hearing is scheduled for June 21, 2017, in Topeka. Comments are requested, but a due date is not specified. Contact: Linda White; DHE, Bureau of Water; 785-296-5514

—Kansas Register (05/18/2017)

Regulatory Update

Louisiana

AIR

Air Permit Procedures/Public Notice of Permit Actions

Louisiana AIR

Final rule of the Department of Environmental Quality, Office of the Secretary, amends regulations under 33 LAC III.504, .509 and .531 regarding air permit procedures. The rule allows the department to provide public notice of all permit actions on its website instead of by publishing advertisements in newspapers. The rule also allows the department to make certain documents available through its electronic document management system instead of at a physical location in the area of a proposed source or modification. The rule is effective May 20, 2017. Contact: Deidra Johnson; DEQ, Legal Division; 225-219-3985; deidra.johnson@la.gov

—Louisiana Register (05/20/2017)

Regulatory Update

AIR

Emission Reduction Credits Banking

Louisiana AIR

Final rule of the Department of Environmental Quality, Office of the Secretary, amends regulations under 33 LAC III.603 through .619 (nonconsecutive) regarding the Emission Reduction Credit (ERC) Banking Program. The rule allows creditable reductions from certain mobile sources to qualify as ERCs and be used as offsets under the nonattainment new source review program. The rule also clarifies that minor sources eligible for the program must have been operating under an air permit and subject to emissions inventory reporting requirements during the baseline period. The rule is effective May 20, 2017. Contact: Deidra Johnson; DEQ, Legal Division; 225-219-3985; deidra.johnson@la.gov

—Louisiana Register (05/20/2017)

Regulatory Update

ENDANGERED SPECIES

Experimental Fisheries Program

Louisiana ENDANGERED SPECIES

Proposed rule of the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, amends regulations under 76 LAC VII.701 regarding experimental gear permits under the Experimental Fisheries Program. The rule authorizes the secretary of the department to issue experimental gear permits for gear types other than those permitted under current regulation. The rule also revises the application procedures for gear used in saltwater and freshwater areas and allows for the mandatory \$50 permit fee to be paid at the same time as the issuance of the experimental gear permit instead of at the time of application. Comments are due June 30, 2017. Contact: Robert Bourgeois; DWF, Office of Fisheries; 225-765-0765; rbourgeois@wlf.la.gov

—Louisiana Register (05/20/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Department of Environmental Quality/Fee Increase

Louisiana GENERAL ENVIRONMENT AND SAFETY

Final rule of the Department of Environmental Quality, Office of the Secretary, amends regulations under 33 LAC I.1119 through XV.2599 (nonconsecutive) and repeals regulations under 33 LAC V.5125, .5135, .5137 and .5143 to increase fees and implement new fees. The rule addresses declaratory rulings, groundwater fees, permit qualifications and requirements, laboratory accreditation, the air quality control program fee system, air regulatory permits, hazardous waste fee schedules and solid waste fees. The rule also addresses waste tires fee and fund disbursement, the water pollution control system fee schedule, water quality certification procedures, standards for the use or disposal of sewage sludge and biosolids, underground storage tanks and radiation protection. The rule is effective May 20, 2017. Contact: Deidra Johnson; DEQ, Legal Division; 225-219-3985; deidra.johnson@la.gov

—Louisiana Register (05/20/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Natural Resource Damage Restoration Banking

Louisiana GENERAL ENVIRONMENT AND SAFETY

Notice of the Office of the Governor, Coastal Protection and Restoration Authority, announces changes to and a hearing on a Jan. 20, 2017, proposed rule to adopt regulations under 43 LAC XXXI.101 through .129 to establish a Natural Resource Damage (NRD) Restoration Banking Program. The program is designed to allow, encourage and incentivize private investors to undertake restoration projects in the state coastal area, with the projects generating restoration credits that a responsible party can purchase to fully or partially resolve NRD liabilities for oil spills under state and federal law. The rule addresses the NRD restoration banking framework, including the NRD banking review team (BRT), the NRD Restoration Banking Program requirements and landowners. The rule also establishes requirements for prospectuses, restoration bank plans, restoration banking instruments, NRD restoration credits, monitoring NRD restoration banks, financial assurance requirements, compliance and reconsideration of final decisions. The changes revise the definition for “NRD Restoration Banking Program,” update program and complete scope of work requirements, and specify the components of a complete restoration bank plan. The changes also increase to 60 days the amount of time after receipt of public comments from the BRT chair a final restoration bank plan must be submitted and address restoration credits. The hearing is scheduled for June 26, 2017, in Baton Rouge. Contact: Liz Williams; CPRA; 225-342-7308; mitigation.banking@la.gov

—Louisiana Register (05/20/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Liquefied Petroleum Gas/Permits

Louisiana OIL AND GAS INDUSTRY

Final rule of the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, amends regulations under 55 LAC IX.107, .113 and .159 concerning permits. The rule requires Class III permits for third-party brokers who are instrumental in the sale and service of liquefied petroleum. The rule also revises permit fees, sets filing fees to \$150 for all permit classes, implements criteria for Class III permits, and establishes the location approval form for Class III permits. The rule is effective May 20, 2017. Contact: Melinda Long; DPSC, Liquefied Petroleum Gas Commission; 225-925-4895

—Louisiana Register (05/20/2017)

Regulatory Update

PESTICIDES

Pesticides/Certification of Commercial Applicators

Louisiana PESTICIDES

Emergency rule of the Department of Agriculture and Forestry, Advisory Commission on Pesticides, amends regulations under 7 LAC XXIII.711 to require proficiency testing for all commercial applicators in 2017. The rule is effective May 5, 2017, and expires Sept. 2, 2017. Contact: Mike Strain; DAF; 225-922-1234; commissioner@ldaf.state.la.us

—Louisiana Register (05/20/2017)

Regulatory Update

PESTICIDES

Structural Pest Control Commission/Employee Registration, Licensee Obligations

Louisiana PESTICIDES

Emergency rule of the Department of Agriculture and Forestry, Structural Pest Control Commission, amends regulations under 7 LAC XXV.113 and .117 to require proficiency testing for all structural licensees and registered technicians. The rule is effective May 5, 2017, and expires Sept. 2, 2017. Contact: Mike Strain; DAF; 225-922-1234; commissioner@ldaf.state.la.us

—Louisiana Register (05/20/2017)

Regulatory Update

New York

WATER

Lead Testing in School Drinking Water

New York WATER

Proposed rule of the Department of Health adopts regulations under 10 NYCRR 67-4.1 through .9 regarding lead testing in school drinking water. The rule requires schools to test each potable water outlet for lead, specifies an action level of 15 micrograms per liter for lead in drinking water

of school buildings, and establishes initial and future monitoring requirements. The rule also requires schools to develop remedial action plans if the action level is exceeded at any potable water outlet, to notify the school community of results, and to report results to the department. Comments are due July 1, 2017. Contact: Katherine Ceroalo; DOH; 518-473-7488; reqsqna.health.ny.gov

—New York State Register (05/17/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA.com
Sent: Mon 5/22/2017 11:14:51 AM
Subject: The Morning Headlines from InsideEPA.com -- May 22, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

May 22, 2017

Latest News

Acting EPA, DOJ Officials See Compliance Assistance Boost Under Trump

Acting EPA and Justice Department (DOJ) officials say they expect the Trump administration to bolster compliance assistance programs and cooperation with states as it scales back federal environmental enforcement efforts, though with both departments lacking political leadership it is unclear what concrete steps they will take to meet that goal.

NACAA Document Shows Trump Budget Likely to Stick With Deep EPA Cuts

The administration's final budget plan for EPA in fiscal years 2018, due for release next week, appears likely to stick with the steep, roughly 31 percent cut the White House first proposed for the agency earlier this year, including elimination of scores of popular grant programs, according to a document released by state air regulators.

House Democrats Give Mixed Reaction To Draft SDWA Improvements Bill

House energy panel Democrats are giving a mixed reaction to a discussion draft of legislation aimed at improving drinking water systems through changes to the Safe Drinking Water Act (SDWA), with Rep. Frank Pallone (D-NJ) saying it is inadequate but Rep. Paul Tonko (D-NY) saying there is potential for a bipartisan deal to proceed.

Trump Urged To Exit Climate Deal As Scandals Stall Deregulatory Agenda

President Donald Trump, with his deregulatory agenda stalled by scandals related to alleged campaign ties to Russia, is facing a barrage of conservative pressure to pull the United States out of the Paris climate agreement, just as he is leaving on his first overseas trip that will include the annual G7 meeting where many foreign leaders will be pressing him to remain in the deal.

DOJ Warns Murray Precedent Could Aid Broad Attacks On Rollback Agenda

The top Trump environment official at the Justice Department (DOJ) says the administration is continuing to fight coal companies' lawsuit claiming EPA neglected mandatory reviews of air rules' employment impacts in large part because officials

fear a loss in the case would open the door for environmentalists to broadly challenge the agency's deregulatory agenda.

Environmentalists Fear Regulatory Reform Push May Hinder TSCA Reform

Environmentalists fear that the Trump EPA's regulatory reform effort might hinder implementation of the revised Toxic Substances Control Act (TSCA) by diverting scarce agency resources to identifying TSCA rules for possible repeal rather than pursuing the new toxics rules mandated by the law that have broad bipartisan backing.

EPA Approval Of State's Haze Plan Highlights Questions Over Air Trading

EPA's proposed approval of Louisiana's plan for reducing regional haze highlights questions over the future of air pollution trading programs under the Trump administration, because the agency is backing the state's participation in a trading program to satisfy haze reduction mandates even though the fate of such programs remains unclear.

Daily Feed

EAB permit case poses test for Trump EPA's nutrient policy

Environmentalists claim that a CWA permit released early in the Trump administration dropped Obama-era nutrient targets without justification.

EPA sets aside \$12 million in FY17 for early retirements

Funding for the program is roughly comparable to levels in the Obama administration.

House creates bipartisan task force to weigh federalism issues

The group's agenda is broadly consistent with efforts by EPA Administrator Scott Pruitt, who is seeking to increase the role of states in environmental policymaking.

Bipartisan bill backs EPA water efficiency program Trump wants to end

The senators' bill supports efforts to preserve EPA's WaterSense program just as the Trump administration is seeking to end it.

EPA draws second suit seeking Lake Erie impairment decision

The suits seek a decision on whether Ohio's open water portions of Lake Erie should be declared impaired, a decision that is a precursor to establishing a TMDL.

Court grants EPA motion to pause methane NSPS suit

The D.C. Circuit's order also calls on EPA to file status reports on its review of the

methane rule every 60 days.

NAS panel to develop carbon capture research agenda

The committee's launch stands in contrast to Trump administration plans to eliminate funds for climate research.

Ewire: A daily news roundup

EPA's FY18 budget may be enacted via CR. Plus, EPA's TSCA rules ramp up and Fiat/Chrysler faces emissions suit.

Connecticut sues EPA to force ozone petition response

The state's lawsuit could ultimately force EPA to take a policy position on whether upwind emissions endanger air quality in downwind states.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Mon 5/22/2017 9:48:35 AM
Subject: Morning Energy, presented by POET: Skeptical lawmakers await first official Trump budget — Energy deals signed in Saudi Arabia as Trump visits — Controversial waters bill hits House floor again

By Anthony Adragna | 05/22/2017 05:46 AM EDT

With help from Ben Lefebvre and Darius Dixon

LET'S GET READY TO BUDGET! President Donald Trump may be out of the country, but all eyes are on the White House for the release of the fiscal year 2018 spending plan, which is expected to land on Tuesday. And if Friday's leak of the EPA budget numbers is indicative, federal agencies should expect the administration to stick pretty close to the deep cuts proposed in the March "skinny" budget. The EPA summary calls for a 31 percent overall budget cut for the agency and outlines significant rollbacks for programs that have been championed by lawmakers from both parties.

Lawmakers sounded warnings last week that the proposed cuts for 2018 were likely to be cast aside by Congress. Rep. Mike Simpson, chairman of the House Appropriations Subcommittee on Energy and Water, predicted deep GOP budget divisions would result in a yearlong continuing resolution, while Rep. Ken Calvert, who leads the EPA spending panel, said it would be "very difficult" to pass a package with anything like the cuts Trump's team called for last time around. But ... it appears the administration, led by OMB Director Mick Mulvaney, is dead set on spending a message so keep a close eye on lawmakers' reactions to the document Tuesday.

ICYMI: Pro's Budget & Appropriations Brief's Sarah Ferris and Jennifer Scholtes looked at how GOP lawmakers preemptively blasted the budget. And they reported how it reflects ongoing, internal White House divisions.

TRUMP HITS ISLAMIC STATE'S OIL SALES: Trump didn't delve into energy much at all during his speech to the Arab Islamic American Summit in Saudi Arabia Sunday, but he did call for countries around the world to "cut off the financial channels that let ISIS sell oil, let extremists pay their fighters, and help terrorists smuggle their reinforcements."

A wave of energy deals announced: Saudi Aramco announced \$50 billion worth of deals Saturday with various U.S. companies, including GE, Baker Hughes and Halliburton, that the oil and gas giant said would create thousands of jobs. Exxon Mobil and Saudi Basic Industries agreed to conduct a detailed study on the proposed Gulf Coast Growth Ventures project in Texas that when up and running could create 12,000 permanent jobs. GE announced \$15 billion worth of agreements that span a variety of industries, including the oil and gas sector. The announcements came as dozens of top U.S. executives gathered for a conference that coincided with Trump's visit to Saudi Arabia.

IT'S ANOTHER WEEK OF FUN EVERYONE! I'm your host Anthony Adragna, and Akin Gump's Christopher Treanor was first to identify Kentucky Gov. Matt Bevin as the chief executive with a flock of nine children. For today: How many of the 50 states produce at least

some wine? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

IT'S BAAAAAACK: House lawmakers are expected this week to consider (again) a controversial piece of legislation that would exempt pesticide applicators from needing a Clean Water Act permit when spraying over water. The Reducing Regulatory Burdens Act (H.R. 953) hits the House Rules Committee today ahead of likely floor action later in the week. The House passed an earlier iteration of the bill in May 2016.

DEVON EARLY BENEFICIARY OF PRUITT'S EPA: Five days after Scott Pruitt's Senate confirmation to run the EPA, Oklahoma's Devon Energy announced it would reconsider an air pollution settlement with the agency, The New York Times reports. It's part of the change in how energy companies are dealing with EPA now that Pruitt is at the helm, a shift that has benefited his long-time political ally.

Tweeted: The White House may be in turmoil, but Pruitt still tweeted out a couple of pictures with Vice President Mike Pence on Friday. He also posted a picture of a speech he gave to the Council for National Policy, a secretive group of conservative activists. And he met Friday with Rep. Pete Olson, a senior member of the Energy and Commerce Committee and author of legislation that would alter how EPA sets ozone limits.

SCIENCE PANEL CHAIR TO TESTIFY: Deborah Swackhamer, chairwoman of EPA's Board of Scientific Counselors, testifies Tuesday at a House Science Committee hearing entitled "Expanding the Role of States in EPA Rulemaking," Pro's Annie Snider reports. The professor of public policy and environmental health sciences at the University of Minnesota leads the EPA scientific advisory board that has been targeted by Pruitt for a membership revamp.

HOME STRETCH IN RACE TO REPLACE ZINKE: Voters head to the polls Thursday in a much-watched contest to fill Interior Secretary Ryan Zinke's seat as Montana's congressional representative. Sen. Bernie Sanders hit the stump for Democrat Rob Quist Saturday afternoon in Missoula. Both Quist and Republican Greg Gianforte have seen a late flood of television advertising in the contest.

DISMISSAL SOUGHT: The Massachusetts and New York attorneys general of have asked a court to dismiss Exxon Mobil's lawsuit alleging the AG offices have harassed the oil major. Massachusetts AG Maura Healey and New York AG Eric Schneiderman in a filing Friday said the harassment suit could have a chilling effect for regulators investigating allegations of corporate wrongdoing, adding that Exxon failed to "allege a ripe injury." The attorneys are investigating the oil major under allegations that it defrauded investors by sitting on its in-house research on climate change. Exxon and some Republicans have called the investigations politically motivated.

PERRY'S IN OAK RIDGE, BOYS: Continuing his tour of national laboratories, Energy Secretary Rick Perry tours Oak Ridge National Laboratory today at 4 p.m. in Knoxville, Tenn. Also coming along: Sen. Lamar Alexander, top Energy appropriator, and Rep. Chuck Fleischmann.

ANOTHER INCIDENT AT HANFORD: Just days after a tunnel storing nuclear waste partially collapsed, a contractor working at the Hanford site Friday detected radioactive contamination on the clothing of one of its workers, according to [the AP](#). Workers removed the tainted protective clothing and no further contamination was detected, but Washington Gov. Jay Inslee expressed further concern about the latest incident. "It is another urgent reminder that Congress needs to act, and they need to act quickly," he said in a statement.

That comes as Inslee and Oregon Gov. Kate Brown sent [a letter](#) to Trump, Perry and Mulvaney calling for increased federal spending on the clean up of the aging nuclear reservation. "New legal requirements require, and recent developments at the site have emphasized, the need for robust resources to ensure the federal government continues to make progress in cleanup," the two Democratic governors wrote.

MAIL CALL! THAT'S NO FUN(DING): Sens. [Jeanne Shaheen](#) and [Maria Cantwell](#), ranking members of the Senate Small Business and Energy committees, sent [a letter](#) to Perry and Small Business Administration Administrator Linda McMahon asking why federal research and development grants to small businesses are being held up by the Trump administration. "We have consistently heard from small businesses that delays and missed deadlines by federal agencies have an outsize impact on small businesses," they wrote. "Unlike large firms and major research institutions, small businesses simply do not have the resources to tide them over when the government fails to meet its own deadlines."

BUILDING SUPPORT FOR CCS: Reps. [Carlos Curbelo](#) (R-Fla.) and [Marc Veasey](#) (D-Texas) are circulating a [dear colleague letter](#) in hopes of building support for legislation (H.R. 2011) that would boost the deployment of carbon capture and sequestration technologies. The bill would allow the use of tax-exempt private activity bonds to cut the upfront cost of installing the pricey technologies.

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SALT LAKE FOR NATIONAL MONUMENTS: Jackie Biskupski, the mayor of Salt Lake City, sent [a letter](#) to Zinke Friday asking him to retain the existing designations of Bears Ears and Grand Staircase-Escalante National Monuments without changes. "Any federal decision to modify acreage or roll back protection of these incredible spaces will have negative and far-reaching impacts on Salt Lake City, as well as our entire state," she wrote.

HITTING THE TOWN: Twenty CEOs from the [Large Public Power Council](#), which represents the 26 largest consumer-owned utilities in the U.S. are in town today and tomorrow for meetings with administration officials and lawmakers on tax reform, infrastructure and cybersecurity. The group also celebrates its 30th anniversary with a reception tonight.

FOR YOUR VIEWING PLEASURE: The League of Conservation Voters is out with a [new](#)

video urging action to resist Trump's environmental agenda. It features video from the People's Climate March, as well as interviews with Sen. Tom Carper, Massachusetts AG Maura Healey and former EPA Administrator Carol Browner.

MOVER, SHAKER: Suzanne Hammelman has been named president and chief operating officer of the Hawthorn Group, which offers communications advice to investor-owned utilities and other regulated industries. She was previously the firm's chief client officer.

Karen Wayland, a veteran energy policy adviser to both former Sen. Harry Reid and House Minority Leader Nancy Pelosi, starts today as the newly minted executive director of the Clean Energy Project, a Nevada-focused advocacy nonprofit. Wayland's most recent post was with the Energy Department's Energy Policy and Systems Analysis office and advising former Deputy Energy Secretary Elizabeth Sherwood-Randall. Outgoing executive director Jennifer Taylor plans to work with the Project as an advisor on state policy.

AND WELCOME: The United States Hispanic Chamber of Commerce has joined the Main Street Energy Alliance, which opposes efforts to alter the point of obligation requirement under the Renewable Fuel Standard.

QUICK HITS

— Scott Pruitt's first 100 days at the EPA have shown he's unlike any former chief. [Business Insider](#).

— Wind Project in Wyoming Envisions Coal Miners as Trainees. [New York Times](#).

— Shell shareholders to vote for new climate change goals. [The Guardian](#).

— Swiss voters embrace shift to renewable energy. [Reuters](#).

— In 2017 alone, enough US coal plants to power Qatar have announced closures. [Quartz](#).

— Duke Energy files lawsuit against environmentalists over NC coal power plant. [The News & Observer](#).

HAPPENING THIS WEEK

MONDAY

10:00 a.m. — The Bipartisan Policy Center and the International Council on Clean Transportation host [a panel discussion](#) on how motor vehicle emission standards influence the international competitiveness of auto manufacturers, 1225 Eye Street NW, Suite 1000

5:00 p.m. — House Rules [meeting](#) on the Reducing Regulatory Burdens Act, H-313

TUESDAY

10:00 a.m. — House Science subcommittee hearing on states and EPA rulemaking, 2318 Rayburn

10:00 a.m. — Legislative hearing on four bills, House Natural Resources Subcommittee on Federal Lands, 1324 Longworth

10:00 a.m. — "Balance for Oil, Imbalance for LNG?" Center for Strategic and International Studies, 1616 Rhode Island Avenue, NW

11:30 a.m. — The American Biogas Council, the Coalition for Renewable Natural Gas and the Environmental and Energy Study Institute host a lunch briefing on "the untapped energy in domestic wastes," 201-00 Capitol Visitor Center (Senate side)

1:00 p.m. — 2017 RNG Summit Industry, Policy & Regulatory Forum, American Gas Association, 400 N Capitol St NW #450

2:30 p.m. — Senate Environment and Public Works subcommittees hold hearing on two ozone bills, 406 Dirksen

WEDNESDAY

9:00 a.m. — House Natural Resources subcommittee hearing on federal natural resource laws, 1324 Longworth

9:15 a.m. — Report release on the state of American cities, National League of Cities Office, City-County Leadership Center, 660 North Capitol St. NW

10:30 a.m. — House Energy and Water Subcommittee Appropriations hearing on the FY2018 budget request, 2362-B Rayburn

10:30 a.m. — "Energy & Environmental Symposium: What Can We Expect From the New Administration and Congress?" Faegre Baker Daniels, The City Club of Washington, 555 13th Street NW

10:30 a.m. — "Corps of Engineers (Civil Works) and the Bureau of Reclamation FY 2018 Budget Requests," House Appropriations Energy and Water Subcommittee, 2362-B Rayburn

1:00 p.m. — "The Kremlin's Gas Games in Europe: Implications for Policy Makers," The Atlantic Council, 106 Dirksen

2:00 p.m. — "High Risk American Indian and Alaska Native Programs (Education, Healthcare, Energy)," House Appropriations Committee's Interior, Environment, and Related Agencies Subcommittee, 2007 Rayburn

2:00 p.m. — "Examining 'Sue and Settle' Agreements: Part 1," House Oversight and Government

Reform subcommittees, 2154 Rayburn

2:30 p.m. — "[Department of Energy Atomic Energy Defense Activities and Programs](#)," Senate Armed Services Committee's Strategic Forces Subcommittee, G50 Dirksen

THURSDAY

8:15 a.m. — Environmental and Energy Study Institute event on transmission infrastructure, Reserve Officers Association, 5th Floor, One Constitution Ave NE

9:30 a.m. — House Appropriations Committee [hearing](#) on the U.S. Forest Service, 2007 Rayburn

10:00 a.m. — "[Nomination Hearing to Consider DOE, FERC Nominees](#)," Senate Energy and Natural Resources Committee, 366 Dirksen

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Stories from POLITICO Pro

Leaked budget document shows EPA still targeted for sharp cuts [Back](#)

By Alex Guillén and Annie Snider | 05/19/2017 02:56 PM EDT

EPA's 2018 budget proposal will include significant spending cuts for programs championed by lawmakers from both parties and would eliminate hundreds of millions of dollars for popular grant programs, according to a summary document leaked today.

The [summary](#) — released by the National Association of Clean Air Agencies, which said it "comes directly from an Administration document" — maintains the 31 percent overall budget cut for EPA laid out in the administration's March "skinny" budget. The agency would get \$5.6 billion, a wrenching drop from this year's annualized funding of more than \$8.2 billion.

Lawmakers from both parties decried the skinny budget's cut to popular programs and state grants, and appropriators have said Congress isn't likely to approve slashing EPA's budget as severely as the Trump administration is asking.

The budget proposal shows EPA Administrator Scott Pruitt's emphasis on water infrastructure, tagging an additional \$4.3 million for the Drinking Water and Clean Water State Revolving Funds, an increase of less than 1 percent, and keeps funding for the Water Infrastructure Finance and Innovation Act level at \$20 million.

But the budget would slash water spending elsewhere, including for research and water quality work. And it would zero out funding for popular watershed programs like the Chesapeake Bay and Great Lakes, which Congress explicitly protected from the Trump administration's proposed cuts when it passed its funding measure for the remainder of 2017.

While EPA would not verify the numbers in the document, a spokeswoman reiterated the administration's priorities.

"The budget prioritizes federal funding for work in infrastructure, air and water quality, and ensuring the safety of chemicals in the marketplace," EPA spokesman Liz Bowman said via email. "The budget aims to reduce redundancies and inefficiencies and focus on our core statutory mission."

Despite the boosts to the State Revolving Fund budgets, overall state and tribal assistance grants would be cut by \$96 million from the 2017 level of \$2.4 billion, not including one-time funding of \$100 million for Flint, Mich., according to the summary from NACA. The proposal maintains plans to eliminate funding for grant programs covering Alaska Native villages, the Mexican border and targeted airshed grants. Additional cuts would be made to the popular Brownfields and Diesel Emissions Reduction programs.

Categorical grants, which pay for state environmental programs, would drop by \$481 million from the current \$1.08 billion budget. Several grant categories are completely zeroed out, including radon, lead, pollution prevention, beach protection and nonpoint source pollution.

The proposed cuts to grants and the rest of the budget would "devastate state and local governmental air pollution control agencies," NACAA Executive Director Bill Becker said in a statement. "While the Trump Administration has been touting its commitment to 'cooperative federalism,' these proposed cuts belie that assertion."

The budget also continues to go after programs Pruitt has championed as the "basic" work of EPA. The Superfund cleanup program, for example, would get a \$194 million cut, down to \$516 million. That's a major reduction from this year's budget of \$710 million, which was below the \$780 million in fiscal 2016.

Two Superfund enforcement programs are also on the chopping block: one program enforcing Superfund at federal sites would be zeroed out, while a broader enforcement program would lose \$56 million of its \$150 million 2017 budget.

EPA's Brownfields cleanup program would be cut \$9.4 million, down to \$16 million, while two Brownfields grants programs are also in line for significant cuts.

In EPA's primary compliance budget, criminal enforcement would lose \$3 million, dropping to \$4.1 million, while the small environmental justice spending would be eliminated.

One of the few areas to get a budget boost is the agency's chemical risk review program, which would get an extra \$6.6 million, up to \$65 million. However, the proposal more than offsets that increase by zeroing out a lead risk reduction program and a pollution prevention program.

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Simpson: Yearlong stopgap most likely for fiscal 2018 [Back](#)

By Sarah Ferris | 05/17/2017 04:28 PM EDT

Rep. [Mike Simpson](#) warned this afternoon that the GOP's fractious divide on spending levels will likely force Congress into a yearlong stopgap spending bill.

"The rest of the appropriators and chairmen will probably kill me, but, I think we're into a CR for 2018," the chairman of the House Appropriations Subcommittee on Energy and Water told reporters.

Simpson (R-Idaho) said infighting over President Donald Trump's proposed spending cuts could make it politically impossible for the GOP to find a path forward on fiscal 2018 appropriations bills, which are due in September.

"This is [OMB Director Mick] Mulvaney's budget," Simpson said. "Like I want to go home after voting against Meals on Wheels and say 'Oh it's a bad program, keeping seniors alive.'"

Simpson, whose bill is typically the first to land on the House floor, said he is already instructed his staff to start a list of potential add-ons to the current spending package in case it's extended this fall.

"The best thing we might be able to do for the agencies and their funding is actually do a CR for the full year," Simpson said.

Doubting his own fiscal 2018 bill will come to the floor, Simpson said he may not even hold hearings this year. Asked about calling on Cabinet members to testify, he put his hand to his ear to resemble a phone and said: "The hearings will be, 'Hey buddy, whadda ya think about that?'"

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Trump budget reflects White House internal divisions [Back](#)

By Jennifer Scholtes and Sarah Ferris | 05/19/2017 05:26 PM EDT

President Donald Trump will include an unorthodox blend of policy requests in his first official budget, combining uncharacteristically liberal demands with calls for the most extreme domestic spending cuts the country has ever seen.

Details leaked by the White House suggest the president's fiscal year 2018 spending plan — expected Tuesday — reflects the administration's internal divisions. It will simultaneously require states to provide the kind of paid family leave programs championed by Trump's daughter Ivanka and propose slashing everything from disability payments to farm subsidies and public housing, reflecting the views of budget director Mick Mulvaney, a former member of the conservative House Freedom Caucus.

The budget is expected to go much further than the \$54 billion in spending cuts Trump called for in his preliminary "skinny budget" in March, which completely wiped out more than 60 domestic programs, according to multiple sources with knowledge of the document.

In a decade, the proposed cap on discretionary spending is expected to be roughly \$360 billion, according to one source — nearly \$200 billion below current domestic spending levels. That figure would bring Congress back to 2001 spending levels, likely too extreme for most Republicans.

But at the same time, Trump will propose adding \$200 billion in federal infrastructure spending over 10 years in the hope of spurring an additional \$800 billion in public and private investment. His family leave proposal — requiring states to provide six weeks of paid leave to new parents — could cost \$25 billion, and goes beyond what most GOP lawmakers support.

The internal contradictions are already spurring a hostile response from Republicans ultimately in charge of writing federal spending levels.

As some figures have leaked out ahead of the budget release, GOP legislators have reacted with fury, speaking directly to Mulvaney in recent days.

Plenty of Republicans on Capitol Hill have publicly pressured Trump to roll back what they called draconian cuts to programs like the State Department, the National Institutes of Health and the Appalachian Regional Commission.

"I'm deeply concerned about the severity of the domestic cuts," Rep. [Hal Rogers](#) (R-Ky.), who oversees spending for international programs, told POLITICO on Friday. "We'll see how that changes."

"This is Mulvaney's budget," Rep. [Mike Simpson](#) (R-Idaho) said this week. "Like I want to go home after having voting against Meals on Wheels and say, 'Oh it's a bad program, keeping

seniors alive.' There's just some of the stuff in here that doesn't make any sense. ... Frankly, you can't pass these budgets on the floor."

Meanwhile, on the issue of paid family leave, GOP lawmakers have advocated a more hands-off approach than the Trump administration will propose. Congressional Republicans have bucked Democratic calls for a government-run insurance program to facilitate paid leave and have instead pushed legislation that would provide tax credits to businesses that voluntarily provide that benefit to employees.

And Trump can't expect support from Democrats who anticipate Republicans will switch out the president's liberal-leaning proposal on paid leave for their own plans.

"I'm not going to watch it get watered down just for the sake of a press release saying, 'We voted for paid leave,'" Rep. Rosa DeLauro (D-Conn.), a top appropriator who has introduced paid leave legislation herself, said in an interview Friday.

With Mulvaney set to testify before spending committees in both the House and Senate in the days immediately following the Tuesday budget release, DeLauro and her Democratic colleagues are prepared to personally attack the OMB director, who has justified calls for massive domestic cuts by suggesting programs like Meals on Wheels don't deliver results.

"You know, have real-life experience. Don't just sit someplace and talk about it," DeLauro said Friday, suggesting Mulvaney should do a ride-along with a Meals on Wheels volunteer to witness the program's effect on senior citizens.

The document released Tuesday will also offer the first glimpse at how the new White House would tackle mandatory spending — the largest driver of the federal deficit — at the same time it proposes the largest-ever increase in defense spending.

Lawmakers and aides say Trump will not cut funding from Medicare or Social Security, abiding by a highly visible campaign promise despite its complex budgetary implications. But some safety-net advocates believe the White House could still seek reductions to those programs by arguing that the administration is simply trying to eliminate waste and fraud.

Several sources said the Trump budget is expected to trim parts of Medicare that don't directly fund benefits. And some also said the budget will target Social Security Disability Insurance, which is technically separate from the far larger program for seniors.

Given the unpopularity of Trump's proposed cuts, even among those in his own party, Democrats say their opposition will be easily waged.

"In the skinny budget, they telegraphed dramatic and draconian cuts," Rep. Debbie Wasserman Schultz (D-Fla.), ranking member on the House subcommittee that handles funding for military construction and Veterans Affairs, told reporters Friday. "If they're worse than that, then I have my battle arms already."

But opposition to Trump's budget is tempered by the fact that no part of any White House budget is destined to become law.

Rep. [Charlie Dent](#) (R-Pa.), a top appropriator who speaks frequently with Mulvaney, said a White House budget is purely symbolic. He said he is more anxious about the House budget, which will set the amount of money Congress can spend next year.

"I've often said, the budget around here is an exercise in confederate money. It's not real," Dent said. "We spend a lot of time fighting about things that are aspirational and messaging points."

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Trump strikes moderate tone on Islam [Back](#)

By Annie Karni | 05/21/2017 08:12 AM EDT

RIYADH, Saudi Arabia — Against the backdrop of an ornate, Mar-a-Lago style ballroom with members of the Saudi royal family sitting nearby, President Donald Trump on Sunday delivered a moderate speech on Islam designed to reset his relationship with the Muslim world.

Trump emphasized a war against terrorism around the globe, and not between religions, saying that the fight "means honestly confronting the crisis of Islamic extremism and the Islamists, and Islamic terror of all kinds." He notably steered clear of the loaded term "radical Islamic terrorism," which he has used in the past.

"We are not here to lecture — we are not here to tell other people how to live, what to do, who to be, or how to worship," Trump said in a 33-minute speech free of unprompted asides, which also did not depart from traditional American Middle East foreign policy.

"Instead," he said in his first major foreign policy address since taking office, "we are here to offer partnership — based on shared interests and values."

The Middle East, he said, "should not be a place where refugees flee, but to which newcomers flock." He framed the global fight against terrorism as a "battle between good and evil," including on the positive side of the ledger, "decent people" of all religious backgrounds fighting together against "barbaric criminals."

In substance, Trump's decree against terrorism did not differ greatly from President Barack Obama's first big speech on Islam, which he delivered in Cairo in 2009, where he also called for peace in the Middle East. The starkest difference was in optics: Obama spoke in front of a crowd of activists, students and government officials, while the visual of Trump was a man seated next to the king of Saudi Arabia.

But Trump, who was speaking at a meeting that included 55 leaders of the Muslim world inside the opulent King Abdulaziz International Conference Center, framed his audience as a strength of his speech.

"We in this room are the leaders of our people," he said. "They look to us for answers. When we look back at their faces, behind every pair of eyes is a soul that yearns for justice and for peace."

In the days leading up to Trump's high-stakes speech, his advisers said he was working through five different drafts of the speech, a process overseen primarily by his chief policy adviser and speechwriter Stephen Miller — also the architect of Trump's Muslim ban.

But in the end, national security adviser H.R. McMaster finally won an ideological battle in the White House. It is McMaster who had been trying — and failing — to delete from the president's vocabulary the term "radical Islamic terrorism."

McMaster has reportedly called the phrase "counterproductive" because terrorists are "un-Islamic." But in his first address in front of a joint session of Congress in February, Trump used the phrase anyway, saying that the administration was "taking strong measures to protect our nation from radical Islamic terrorism."

On his trip to Riyadh, Trump was accompanied by Miller, as well as McMaster and his deputy, Dina Powell, who have played starring roles on the Saudi piece of the trip.

Miller has been more out of the spotlight here, since the White House delegation arrived on Saturday. But on Sunday, he was spotted at the Ritz Hotel, dressed casually in a polo shirt a few hours ahead of Trump's speech. In the end, he appeared to be overruled by the more moderate voices in the administration.

Administration officials were eager to downplay any tension between its different ideological wings. "The president wrote the speech," said his communications adviser Hope Hicks, when pressed on which aides were responsible for the new rhetoric on Islam.

In the speech, Trump veered off of the prepared remarks when referring to "confronting the crisis of Islamic extremism." Prepared remarks used the words "Islamist extremism." A senior White House official told reporters after the speech that it wasn't on purpose. The official said it was simply due to Trump being "an exhausted guy" by the middle of his second day on the road.

Trump's speech bought him some distance from the divisive, anti-Muslim rhetoric he employed to appeal to voters in the Rust Belt during the campaign.

"There's something going on," he said in November 2015, when asked whether Islam was an inherently peaceful or inherently violent religion. "I don't know that that question can be answered. ... We are not loved by many Muslims."

At another point, he said, pointedly: "Islam hates us."

At a late-night briefing with reporters, a senior administration official pushed back on the idea that anything about Trump's rhetoric had softened. "I would argue he toughened," the official said, noting that Trump spoke truth to power to Muslim leaders by urging them to accept responsibility for destruction caused by terrorism — and choose a more hopeful future for themselves by driving out terrorists.

But the question of his credibility remained — on two fronts. Would the Muslim world he was addressing take his new tone at face value and forget years of inflammatory comments about Islam? And would the Trump base, which ate up the old version, stand by the president's more moderate words?

His longtime political strategist, Roger Stone, who helped Trump frame his candidacy to appeal to his white, working-class base, hinted that the latter could be a problem.

"While I certainly still support the President, I fear he has become captive of the neocons he has surrounded himself with," Stone said in an email. "Dina Habib Powell? Why? Did she even vote for Trump? If the people had wanted a continuation of the George W. Bush administration they would have voted for Jeb."

Powell, a former senior official in the Bush administration, is an Egyptian-born, fluent Arabic speaker, and has served as a key adviser on Trump's trip to the Middle East.

But the pivot, and the input from new aides who joined the administration post-campaign, was a gamble Trump and his West Wing aides were willing to take.

"Drive them out," was Trump's refrain on Sunday, referring to terrorists — not to the refugees he has sought to keep out of the country, or to his Muslim ban.

His speech included a promise to allies in the Middle East that appeared to explain that his "America first" ideology does not mean America alone. "America is prepared to stand with you — in pursuit of shared interests and common security," he said.

He castigated the Iranian regime for speaking "openly of mass murder, the destruction of Israel."

"Until the Iranian regime is willing to be a partner for peace, all nations must work together to isolate, deny it" funding for terrorism, Trump said.

Despite the more moderate language, the speech still included some of the dark imagery that has colored Trump's biggest oratorical moments, like his "American carnage" inaugural address. "If you choose the path of terror, your life will be empty, your life will be brief," he said, "and your soul will be fully condemned."

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House approves 'Zika' bill to block EPA pesticide permit requirements [Back](#)

By Annie Snider | 05/24/2016 05:13 PM EDT

The House voted 258-166 to approve a measure to exclude pesticide spraying from certain environmental permitting requirements in the name of helping to control the mosquito-borne Zika virus.

The bill, H.R. 897, would exempt pesticide applicators from needing a Clean Water Act permit for spraying over water, as an appellate court ruled was necessary in 2009. The issue has been a long-time concern for Ohio Republican [Bob Gibbs](#), who originally introduced the bill as the Reducing Regulatory Burdens Act. This week's version was rebranded the Zika Vector Control Act.

The White House objected to the bill, saying in a statement of administration policy that state and federal agencies already have the ability to act swiftly to control dangerous viruses like Zika.

The bill failed last week when Republican leaders brought it to the floor under suspension of the rules, an expedited procedure that requires two-thirds support, and was brought back today with a rule in place, allowing it to pass with a simple majority.

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EPA advisory board head to testify at House Science hearing [Back](#)

By Annie Snider | 05/19/2017 04:25 PM EDT

The chairwoman of an EPA scientific advisory board that has been targeted by Administrator Scott Pruitt for a membership revamp will testify at a House Science Committee panel next week.

Deborah Swackhamer, professor of public policy and environmental health sciences at the University of Minnesota and chairwoman of EPA's Board of Scientific Counselors, will be Democrats' witness at the environment panel's Tuesday hearing titled "Expanding the Role of States in EPA Rulemaking."

Earlier this month, Pruitt [dismissed](#) nine members of the 18-person board whose terms were up for renewal instead opting to reopen the nomination process. The agency indicated it would seek more industry representatives for the panel, which provides advice and recommendations to EPA's Office of Research and Development. Two additional board members later resigned in protest.

A press release from Science Committee Democrats said Swackhamer "will testify to the key role science plays in developing sound environmental regulations at both the Federal and State level." The panel's top Democrats yesterday expressed "serious concerns" to Pruitt in a letter about the scientific counselors and asked for documents and information related to decision.

WHAT'S NEXT: EPA is reopening the nomination process for the Board of Scientific Counselors and has indicated it will seek representatives from industry. The board's work is likely to be significantly slowed while the nomination process plays out.

To view online [click here](#).

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Municipal Water Fees Challenged as Improper Taxes in Michigan

Posted June 21, 2017, 01:00 P.M. ET

By [Alex Ebert](#)

At least four Detroit-area municipalities are facing class actions alleging that their sewer or water fees are actually unconstitutional under state law.

In the coming weeks, all 26,000 Waterford Township water and sewer account holders will receive notice that they may apply for refunds for sewer fees between 2010 and this year, as part of a [settlement](#) reached between the township and a citizen alleging water and sewer charges were actually improper taxes. The \$1.4 million settlement in *Mason v. Chartered Twp. of Waterford* is one of at least four within recent years, all regarding the same fees-as-illegal-taxes issue.

In addition to those settlements, similar lawsuits are pending against Detroit and three of its suburbs: Bloomfield Township and the cities of Oak Park and Westland. Although the legal theory behind the lawsuits is more than two decades old, Michigan municipal governments still grapple with how to properly fund infrastructure for public water and other utilities without running afoul of the state's murky rule for new taxes.

The lawsuits allege that local governments have violated a part of the Michigan Constitution known as the [Headlee Amendment](#). The amendment, effective since 1978, requires voter approval for any local tax increases or new taxes. Since a 1998 Michigan Supreme Court [opinion](#), all municipalities have been aware of what is called the "Bolt Test," which requires that fees serve a regulatory purpose, be reasonable and proportionate, and be voluntary. Yet, local governments still struggle with these requirements.

"It's hard to figure out exactly what the Bolt decision means and how to apply it," Mark Nettleton, attorney with Grand Rapids, Mich.-based Mika Myers Plc, told Bloomberg BNA.

Fee Test: Funds Part of Improvement Plan

Municipalities can violate the test by lacking reasoning for the price of water or sewer fees. For instance, local water fees can't be based just on a neighboring municipality's fees, but must be calculated to provide water and fund infrastructure improvements and repairs for the water system, Nettleton said.

Although courts generally side with municipalities, if a city's water or sewer fund accumulates money, it must be intended for repairs or infrastructure improvements in some city plan. Without a plan those growing funds make a city vulnerable to suit.

In contrast to the Waterford case, a Michigan state court granted summary disposition for the City of Taylor against a water fees lawsuit June 8. In that ruling, the court found that the plaintiff hadn't proved the city was overcharging for water beyond its sewer repair needs, and also did not prove that sewer fees were being used for improper purposes because Taylor had plans for how to use the fees to improve and repair its water infrastructure.

The recent series of class actions are brought by Kickham Hanley PLLC, based in Royal Oak, Mich. Gregory Hanley, managing partner with Kickham Hanley and the lead attorney on these lawsuits, declined to comment on this type of litigation.

EU Maps Out Ecodesign Plan for Energy-Efficient Data Equipment

Posted June 21, 2017, 12:38 P.M. ET

By Stephen Gardner

The European Commission published a plan that could lead to new ecodesign requirements for computer servers and data storage equipment sold in the European Union.

The commission, the EU's executive arm, issued the "roadmap" on the environmental impact of servers and data storage equipment June 20. It also set out a plan to assess whether energy efficiency and other environmental obligations should be established for the equipment, but does not commit the commission to take action.

Ecodesign standards for servers would be "a step in the right direction. With the explosion of digital content and internet traffic, Europe needs to look closely at the environmental impact" of the information and communication technology sector, said Chloe Fayole, policy officer with the European Environmental Citizens Organization for Standardization, which campaigns for environmental standards for products.

The standards could lead to a yearly energy saving by 2030 equivalent to the annual electricity consumption of EU member country Croatia, according to the roadmap. Currently, energy efficiency standards are lacking for servers and data storage, however, and data centers are often configured to be less energy-efficient than they could be, the commission said.

Mandatory energy efficiency and recyclability standards could be imposed on servers and data storage devices under the EU Ecodesign Directive (2009/125/EC), under which groups of products are assessed for potential energy savings.

Public comments on the plan can be submitted through July 18.

The Energy Star program, through which the EU and U.S. cooperate on energy certification of office

equipment, also could be extended as an option for servers and data storage equipment, according to the roadmap. Energy Star standards already exist for enterprise servers and data center power supply.

The future of Energy Star is uncertain, however, after U.S. President Donald Trump in his budget request to Congress in May proposed to eliminate the program's annual funding of about \$50 million.

"If the U.S. reduce their speed on energy efficiency, Europe would need to step up. If the U.S. becomes weaker on energy efficiency, this will be detrimental for Europe too. When the U.S. energy efficiency standards are more ambitious than the EU ones, it's a great incentive for Europe to regulate, and vice versa," Fayola said.

Energy Department Priorities Not Reflected in Budget: Moniz

Posted June 21, 2017, 12:30 P.M. ET

By [Chuck McCutcheon](#)

Former Energy Secretary Ernest Moniz said June 21 he sees a "disconnect" between his successor Rick Perry's support for energy research and development and the Trump administration's proposed budget.

"To be honest, I think Secretary Perry has made some very strong and positive statements in terms of R&D, in terms of innovation, but there's a disconnect to the budget," Moniz, who served under former President Barack Obama, told reporters.

The overall fiscal year 2018 budget request, which would reduce spending for research on coal, nuclear and other initiatives by 30 percent or more, is "a non-starter ... It just doesn't do the job across the board," Moniz said.

He said he's particularly concerned the Energy Department's national laboratories, which conducts much of its cutting-edge research, could be severely impacted if the proposed budget is passed.

Speaking at the National Press Club, Moniz also objected to some Republicans' desire to have public-private partnerships replace federal funding.

"Public-private partnerships are important, but the idea that they're going to fill this gap [in federal spending], I just don't see," he said.

Moniz made his remarks as he announced a new project, the Energy Futures Initiative, a nonprofit group that he said will study innovative solutions to energy issues.

Water Rule Rewrite Should Reflect Regional Differences, States Say

Posted June 21, 2017, 12:21 P.M. ET

By [Amena H. Saiyid](#)

Any rewrite of the EPA regulation clarifying which waters and wetlands fall under federal protection should reflect variations in regional climate, geology and hydrology, state and local officials said.

The EPA is reviewing an Obama-era water jurisdiction rule under an executive order issued by President Donald Trump. Any rewrite of the regulation should include an analysis of impacts on local governments, as well as clear definitions that outline Clean Water Act jurisdiction, aspects that were missing the 2015 Clean Water Rule, according to the state and local officials.

The jurisdiction issue is important because bodies of water covered by the Clean Water Act are protected from pollution by federal discharge and dredge-and-fill permits, oil spill prevention requirements and state water quality certifications, among other programs.

The states and local governments, in comments filed individually and by various trade groups, responded to EPA's call for how all three levels of government can display cooperative federalism in rewriting the water jurisdiction rule based on the direction provided in the February executive order.

The order directed the EPA and the U.S. Army Corps of Engineers to ensure that states are treated as regulatory partners in the rewrite. Moreover, it said the rewrite should follow the late U.S. Supreme Court Justice Antonin Scalia's 2006 plurality opinion in *Rapanos v. United States* that asserted Clean Water Act jurisdiction over wetlands that have a "continuous surface connection" to waters that display a "relative permanence" of flow.

Reflect Regional Variations

Arizona, Kentucky, and South Dakota are among more than 30 states that challenged the 2015 Obama rule on grounds that the federal government was taking over regulation of waters that fell under state domain. Many of those states offered their comments on how the Trump administration should approach its rewrite of the regulation.

As the rewrite process moves forward, "It is critical for EPA and the corps to take into account regional considerations for this definition due to wide variation in state laws, geographic and climatic differences in the United States, and widely varying regulatory constructs," wrote Steven Pirner, South Dakota's secretary of environment and natural resources.

This view was underscored by Charles G. Snavelly, Kentucky's secretary of energy and environment, who urged the EPA and the corps to develop an approach to making water jurisdictional determinations that consider regional and local variations in geology, geomorphology, and hydrology.

Gov. Doug Ducey (R) made Arizona's views clear, declaring that "the original intent of Congress was not to use the Clean Water Act as a blanket regulation to cover all waters."

New York state was among the seven states that is involved in defending the Obama jurisdiction rule in courts. To provide a level playing field among states and a strong and consistent regulatory floor, New York wants the agencies to develop a sound national rule and inventory of federal protected waters, Basil Seggos, New York's commissioner of environmental conservation, told the EPA.

Defining Terms a 'Challenge'

The Environmental Council of the States acknowledged that the process of defining the terms that Scalia used in his opinion, such as "relatively permanent" or "continuous surface connection", will present different challenges in every region.

“While a difficult task, EPA must ensure that the resulting rule and definitions contained within it are regionally practical, as well as easily implemented and justified by good science,” wrote Peter LaFlamme, president of the Association of Clean Water Administrators, which represents state water officials.

Outward physical characteristics, such as year-round flows of water, shouldn’t serve as the primary basis for asserting jurisdiction, as some streams that flow intermittently throughout the year do have downstream impacts, said LaFlamme, adding “what is insubstantial in one region may not be in another region.”

He encouraged the EPA to consult with the corps and the U.S. Geological Survey to “ensure definitional and scientific consistency and ease of implementation.” He once again reiterated the need for the EPA to consult with states as concepts, ideas, and definitions are developed in the course of the rulemaking.

Avoid Ambiguity

Most comments that Bloomberg BNA reviewed urged the agencies to avoid the use of ambiguous terms in the new rule. The Obama-era regulation used terms such as “uplands,” “significant nexus,” “adjacency,” “neighboring,” “floodplains,” “riparian areas,” and “tributary” that beguiled many state and local regulators because they were either undefined or confusing.

“Generic terms such as “uplands” and “drylands” and what constitutes a “tributary” will tend to benefit from the application of the technical judgment that has been well developed by state and federal agencies and the consulting community, over the 40 year history of implementing the Clean Water Act,” Seggos said.

“Clear definitions are key” for cities that oversee roads, roadside ditches, bridges, flood control facilities, municipal separate storm sewer systems, green infrastructure projects and wastewater management systems, said the U.S. Conference of Mayors, the National Association of Counties and the National League of Cities in a joint letter to the EPA.

Reflect Uses

The challenge in crafting a rule that defines waters of the U.S. is to recognize how water is used and managed, according to Fred Andes, a coordinator with the Federal Water Quality Coalition, which represents municipal wastewater utilities, industries and among its members.

This is the time for the Trump administration to sit down with states and local governments to talk through the details. They need to agree on drawing lines of jurisdiction that are based on sound science, while providing flexibility for individual circumstances, Andes said.

The 2015 rule made it seem that green infrastructure projects—such as specially engineered projects designed to capture stormwater such as strategically created wetlands—could be classified as federally protected waters.

“If that is the case then we have a big problem,” Andes said. That’s because a federally protected water triggers a whole host of requirements, including compliance with water quality standards, and slow down the regulatory process.

“Communities want to invest in green infrastructure projects because they yield a lot of water quality benefits and result in a low carbon footprint,” Andes said. “Let’s try to make sure this rule doesn’t keep it from happening.”

Icahn Influence Gets Scrutiny as EPA Prepares Biofuel Quota

Posted June 21, 2017, 11:52 A.M. ET

By [Brian Dabbs](#)

A top Trump adviser’s oil-related profits and regulatory influence is now coming under fire from House Democrats.

The lawmakers are [asking](#) the EPA to disclose all communications with Carl Icahn, the billionaire refinery owner and informal White House regulatory czar. Rep. Frank Pallone (D-N.J.) and other Energy and Commerce Committee Democrats are also suggesting Icahn’s business dealings present an inherent conflict of interest.

That pressure comes at a particularly sensitive time. The Environmental Protection Agency is set to unveil 2018 quotas for the renewable fuel standard.

Icahn has repeatedly criticized the biofuel blending mandate, and his refining company, CVR Energy Inc., spent \$60 million less on biofuel credits in the first quarter of 2017, according to SEC filings unpacked by Bloomberg News.

The Energy Independence and Security Act (Pub. L. No. 110-140) sets biofuel blending quotas through 2022. Those refiners that don’t blend biofuel, such as CVR, must purchase the credits to comply with the mandate.

Icahn has caused waves since President Donald Trump tapped him as an adviser in December 2016. Senate Democrats have pressured more disclosure on his activities since inauguration day, but the June House letter marks the first salvo from that side of Capitol Hill.

EPA Must Do More to Combat Weedkiller Resistance: Watchdog

Posted June 21, 2017, 11:42 A.M. ET

By [Tiffany Stecker](#)

The EPA must do more to combat weed resistance to common herbicides, the agency’s watchdog said in a new report.

The Environmental Protection Agency’s Inspector General released the [report](#) June 21 to review the agency’s handling of a growing problem among U.S. farmers.

Many crop growers in the Midwest and the South are struggling with weeds like palmer amaranth and pigweed that don’t die when sprayed with Monsanto’s glyphosate, the most commonly-used herbicide in the world. Decades of spraying the popular weedkiller alongside corn, soybeans, cotton, and other crops genetically engineered to withstand glyphosate has facilitated the evolution of invasive weeds.

Although the EPA uses the pesticide registration process to collect information on health and environmental risks from pesticides used on herbicide-resistant weeds, the agency collects little to no information on the synergy—the increased potency of chemicals that are mixed—of pesticides, the report said.

The Inspector General also found that herbicide labels don't always include information on the chemical mechanism that explains how the herbicide kills the plant, which can result in improper spraying of weedkillers.

The EPA also has failed to provide adequate information on tracking resistance, the report said.

“There is a lack of communication and collaboration between the EPA and its public and private stakeholders regarding herbicide resistance management,” according to the report’s summary. “This limits the reach of actions proposed and taken by the EPA, the development of meaningful alternatives, and the agency’s ability to proactively respond to herbicide resistance in the field.”

In a March 23 response to the report, Wendy Cleland-Hamnett, acting assistant administrator of the EPA’s Office of Chemical Safety and Pollution Prevention, said the agency would complete draft plans to improve data collection and communication with scientists, government agencies, and industry by March 2018.

However, Cleland-Hamnett said the EPA would not develop performance measures to assess the agency’s success in slowing the spread of herbicide resistance because it would be “beyond the scope” of the agency’s regulatory authority.

China Selects Five Areas for Green Finance Pilot Programs

Posted June 21, 2017, 11:37 A.M. ET

By Michael Standaert

China has selected five regions for pilot programs meant to promote new environmentally friendly financial products, including bonds and insurance.

The provinces of Zhejiang, Jiangxi, Guangdong, Guizhou, and the Xinjiang-Uighur autonomous region will pilot the programs, the State Council announced last week.

Banks and financial institutions in those regions will be encouraged to establish specific green finance departments and branches, and encourage environmental micro-loans, venture capital, private equity, and other domestic and foreign investment, the State Council said. It did not announce details on when the programs would begin.

China issued about \$54 billion in green bonds last year, and has become a global leader. But much of the investment has come from large state-owned enterprises and banks.

U.K. Seeks to Lead World in Driverless and Electric Vehicles

Posted June 21, 2017, 11:25 A.M. ET

By Jessica Shankleman

The U.K. government plans to invest more than 800 million pounds (\$1 billion) in new driverless and zero-emission vehicle technology as it seeks to boost its economy while leaving the European Union.

Investment in research and new recharging infrastructure is intended to make Britain a “leader” in electric and autonomous vehicles, Queen Elizabeth II said in a June 21 speech marking the state opening of Parliament in London. The technology may be worth 28 billion pounds to the economy by 2035, the government estimates.

In order to deliver on that goal, the government will:

- Extend mandatory vehicle insurance to cover the use of automated vehicles
- Set a target for almost every car and van to be zero emission by 2050
- Allow government to require motorway service areas and large gasoline stations to install electric vehicle recharging points
- Require a set of common standards for charging points so they can be used widely across all vehicles

Invest 200 million pounds in researching and testing driverless car infrastructure and 600 million pounds during the course of this Parliament in supporting the ultra-low emission vehicles, sums which had been previously announced

The measures were welcomed by businesses, which had been concerned that Prime Minister Theresa May’s focus on withdrawing Britain from the European Union would push issues like air pollution down the agenda.

“It is encouraging to see the government’s desire to make the U.K. a leader in new industries and enhance its role on the world stage,” said Nick Molho, executive director of the Aldersgate Group, an alliance of business leaders, politicians and non-profit groups that’s pressing the Treasury on environmental policies.

As well as offering a new source of revenue, EVs could help reduce smog, which is linked to about 40,000 early deaths each year, and is draining 20 billion pounds a year from the economy, according to the Royal College of Physicians.

The government is working to publish a final plan setting out how it will tackle the issue next month. It has lost two court battles with ClientEarth, an environmental pressure group that sued claiming the current action was not good enough to meet legal requirements.

Although electric cars are still only about 1 percent of all U.K. vehicle sales, the country was one of only a handful worldwide to have more than 100,000 plug-in automobiles on the road, according to Colin McKerracher, analyst for Bloomberg New Energy Finance.

“The announcements today on charging infrastructure in particular should help pave the way for broader EV adoption in the 2020s,” McKerracher said. “Much of the pressure for EVs across Europe comes from EU fleet-wide vehicle CO2 targets and it remains unclear what comparable standards the U.K. will enact or adopt post-Brexit.”

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Superfund Program Faces Sacrifices Under Budget Pressure

Posted June 21, 2017, 9:44 A.M. ET

By Sylvia Carignan

The Environmental Protection Agency could reduce its backlog of contaminated sites on a smaller budget, but not without sacrifices, environmental consultants and attorneys say.

Those who work with Superfund sites say the agency could lower its cleanup standards or cut out stages of the process to more quickly move sites off the National Priorities List, which contains the most contaminated sites in the country. Sites remain on the list until the agency determines there is no longer a significant threat to health or the environment.

EPA Administrator Scott Pruitt has instructed an agency task force to recommend strategies to expedite site cleanups in the face of a proposed 30 percent cut for the Superfund program in the fiscal year 2018 budget request. However, a pair of environmental consultants said they believe the easiest sites to clean up have already been dealt with, leaving complicated, expensive projects on the priorities list.

"Some of the remaining sites are among the most difficult to resolve," John Connor, president of the Houston-based engineering consulting firm GSI Environmental, told Bloomberg BNA.

Before sites can be removed from the list, they must reach the Superfund program's "construction complete" stage, signifying that the site's physical remediation needs, such as landfill caps, soil removal, or dredging, have been completed. The number of sites that have reached "construction complete" status has fallen each year since 2000.

The agency does not make a "construction complete" designation for a site until certain benchmarks are achieved: the remediation plan must address immediate threats and get long-term threats under control to earn that status.

"Construction complete" designations could come more quickly if the EPA moves those benchmarks, but not without a cost, said Peter deFur, president and owner of Environmental Stewardship Concepts, a consulting firm based in Richmond, Va.

"Project managers across the nation would fight tooth and nail to oppose any weakening of those," deFur told Bloomberg BNA.

Building a Backlog

At any given time, the Superfund program generally has about 50 to 60 sites under consideration for the National Priorities List, according to EPA data. There are about 1,300 finalized sites on the list.

One of the biggest challenges of the Superfund program is the growing gap between the number of newly proposed sites and the number of sites with completed construction, Steve Jawetz, principal at Beveridge and Diamond, P.C. in Washington, told Bloomberg BNA.

"The growing backlog is one indicator of lack of success in moving sites through the program expeditiously, even if the pace of progress at each existing site is entirely justified," Jawetz said.

The pace of site cleanup has been a common concern, according to Connor of GSI Environmental.

“Many in our industry would contend that U.S. EPA’s closure criteria and procedures are too conservative and arcane, such that sites don’t close as soon as they should,” he said.

The length of the cleanup process is another concern for the agency, as well as companies involved with Superfund sites, said Bart Seitz, partner in the Washington office of Baker Botts LLP.

“Trying to cut out steps in the process would be very helpful,” Seitz told Bloomberg BNA.

Reforming Superfund

In May, agency administrator Scott Pruitt called together a task force to reform the Superfund program, while defending the Trump administration’s proposed cuts to program funding. Pruitt has asked the task force of EPA employees to suggest ways the program could expedite remediation and restructure the cleanup process. The task force had 30 days to achieve their task, ending June 21.

The task force’s resulting recommendations will not be released to the public at that time, according to the agency.

Seitz said every presidential administration has faced Superfund challenges, but Pruitt may be able to make lasting improvements.

“I do think, given administrator Pruitt’s stature in the administration, he may have a real opportunity ... to actually adopt some good reforms that would move these sites forward,” Seitz said.

Burkina Faso Gets Solar Plant After Energy Policy Change

Posted June 21, 2017, 8:17 A.M. ET

By [Simon Gonggo](#)

Burkina Faso signed an agreement to build a solar plant in the first such deal after the West African nation adopted legislation that authorizes private investment in the energy sector.

Windiga Energy Inc. of Canada will install 85,000 photovoltaic panels to generate about 20 megawatts in the northwestern outskirts of the capital, Ouagadougou, the country’s energy minister, Alfa Omar Dissa, told reporters after the June 20 signing ceremony. The project will contribute to reducing the cost of electricity, Dissa said.

“We hope this will generate many other projects,” Finance Minister Hadizatou Sori Coulibaly said.

The investment follows after the liberalization of the West African nation’s energy sector in April as the government seeks to improve connectivity in a country where only 17 percent of the population has access to electricity, according to U.S. Agency for International Development data. The landlocked country of about 18 million has installed generation capacity of about 200 megawatts.

Gas Plant

Windiga Energy is also in talks with the government to build a \$200 million gas power plant that will

generate 140 megawatts, Chief Executive Officer Benoit La Salle told reporters at the same ceremony. The first phase of the solar plant, which can be extended to generate 30 megawatts, will cost 34 million euros (\$38 million) and is funded by Windiga, he said.

In another project, the government ordered the construction of a 33 megawatts solar plant near the capital, of which the 47.5 million euros cost will be funded by a grant from the European Union and a French Development Agency loan, Disa said. Over the next three years, the country wants to supply 300 villages with solar energy and install 3,000 solar lamps with funding from the state budget, he said.

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London Mayor Seeks Pollution-Free Transport System by 2050

Posted June 21, 2017, 8:03 A.M. ET

By [Jessica Shankleman](#)

London's Mayor Sadiq Khan called for the city's entire transport network to operate with zero greenhouse-gas emissions by the middle of the century under a 3.3 billion-pound (\$4.2 billion) a year program aimed at reducing dangerous levels of pollution.

Transport for London will gradually expand the city's planned ultra-low emissions zone so that center of the city is pollution free by 2025 and inner districts by 2040. The entire metropolitan area would be covered by the zone by 2050, according to the [draft](#) Transport Strategy.

Khan said the city "simply cannot afford to take the same old approach to travel" as the population is expected to rise to 10.5 million people by 2041. That growth will add 5 million journeys a day.

Pollution in London is already some of the worst in Europe and causes almost 10,000 premature deaths a year, according to research by the Environmental Research Group at King's College London.

The strategy also envisions:

- "Record investment" in walking, public transport and cycling, so those methods make up 80 percent of journeys by 2041, up from 64 percent in 2015. That would mean cutting car journeys by 3 million a day,
- More frequent trains on the London Underground and modernization of key lines including the Piccadilly, Central, Bakerloo and Waterloo & City in the mid-2020s,
- Extensions to the Bakerloo line to beyond Lewisham in South London and the London Overground to Barking Riverside, the Northern line to Battersea and the Dockland Light Railway across the Thames River to Thamesmead,
- Creation of a suburban rail metro service for outer London could improve journey times by 15 percent by the late 2020s.
- Increase in safety so that no one is killed in or by a London bus by 2030, and
- Deaths and serious injuries from road collisions would be eliminated from London's streets by 2041.

The strategy will require spending of about 3.3 billion pounds a year on average, equal to almost 1 percent of London's gross value added. Transport for London will need make up a 700 million pound annual shortfall in its budget that will be created from 2018 when it will no longer get a grant from the national government.

TfL is confident the gap could be filled. It's developing a range of new revenue streams including issuing green bonds, selling land that's no longer needed, and earning more from advertising.

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Trump Relying on Courts to Halt Obama EPA Rules, Lawyers Say

Posted June 21, 2017, 7:01 A.M. ET

By Amena H. Saiyid

The Trump administration is placing a greater reliance on courts to block environmental regulations than any of its predecessors, according to lawyers interviewed by Bloomberg BNA.

The Environmental Protection Agency and the Justice Department have turned to the courts to endorse their actions to prevent the regulations from taking effect and freeze legal challenges. The Trump administration has used the strategy to halt several Obama-era regulations, including limits on toxic pollution from power plants, methane emissions standards for oil and gas wells, and requirements that chemical companies update their risk management programs.

These moves allow the Trump administration to quickly do away with regulatory requirements without having to engage in a full administrative rulemaking process, which buys the new administration time to revisit regulations and rewrite them as it sees fit.

Specifically, the EPA has delayed compliance with the rules administratively. The Justice Department has then followed these administrative moves by asking the courts to stay the underlying legal challenges to these rules on the basis of its decision to reconsider the rules. That strategy extends to lawsuits filed by environmental advocates over the administration's move to freeze compliance obligations, which the Justice Department has asked courts to dismiss.

"The Trump Administration is relying to an unusual degree on seeking courts to stay proceedings while they reengage the regulatory process," Justin Pidot, environmental law professor with University of Denver's Sturm School of Law, told Bloomberg BNA. Pidot formerly worked as an attorney in the Justice Department's Environment and Natural Resources division.

Reconsideration Not Unusual

It is not unusual for a newly elected administration to take steps to undo existing regulations that don't fit with its agenda. Since his election, President Donald Trump has taken steps to undo several major Obama-era environmental regulations, including carbon dioxide standards for power plants and a rule governing which waters are subject to federal jurisdiction under the Clean Water Act.

"Of course, it's not unusual for a new administration to review pending rules initiated by a prior administration," Andrew Stewart, an environmental attorney with Vinson & Elkins LLP in Washington, D.C. "This is particularly true when the new administration is from a different political party, and we saw this at the beginning of the Obama administration."

What most lawyers interviewed by Bloomberg BNA find “unique” about the Trump administration is the number of environmental regulations that it is seeking to undo, the speed with which they are being undone and the way it is going about it.

Hope Babock, an environmental law professor with the Georgetown Law School, described the strategy of reliance on the courts as “clever” because it avoids the prolonged process of withdrawing a rule under the Administrative Procedure Act that requires public notice and comment.

The administrative stay causes the rule in question to enter a “regulatory black hole” until the agencies decide how they will rewrite portions they find objectionable.

For instance, compliance dates for the 2015 power plant effluent limits rule (RIN: 2040-AF76) were to take effect in 2018, but the EPA issued an administrative stay on April 12, postponing compliance indefinitely. That rule required more than 1,000 power plants to use the best available technology that is economically achievable to regulate waste streams that are generated by the use of air pollution controls and coal gasification techniques.

Delays Draw Lawsuits

A coalition of environmental groups represented by Earthjustice challenged the delay in effluent limits, saying the EPA didn’t follow the Administrative Procedure Act in giving the public an opportunity to comment on the delay on its proposed rewrite.

The Justice Department in turn asked the U.S. District Court for the District of Columbia to either dismiss the environmental groups’ challenge or transfer the case to the U.S. Court of Appeals for the Fifth Circuit, which already froze litigation against the effluent regulation pending EPA’s review of the rule.

Stewart, who served in the Justice Department until late 2015, noted that the EPA did publish June 6 a public notice (82 Fed. Reg. 26,017) seeking comment on the postponed compliance deadlines.

Thomas Cmar, an Earthjustice attorney representing the environmental advocates, told Bloomberg BNA that the challenge, as outlined in their legal response, is over the administrative stay that EPA issued in April. At that time, the EPA failed to give prior notice or accept public comment on the stay before issuing it, a “move that is illegal” under the Administrative Procedure Act, according to Cmar.

The EPA’s subsequent move to seek comment on the delayed compliance deadlines is equally flawed, Cmar said, because the notice was issued under the Clean Water Act, not the Administrative Procedure Act. The Clean Water Act doesn’t make any provision to reconsider or postpone compliance deadlines for effluent limits once they are established, Cmar said.

Similar Treatment for Methane Rules

The EPA followed the same strategy when it came to undoing air pollution regulations (RIN:2060-AT59) on oil and gas wells that aim to limit emissions of methane, a potent greenhouse gas.

In that instance, the agency delayed implementation of the methane standards by 90 days, but again didn’t seek public comment. At that time, the DOJ followed the administrative freeze by successfully seeking a stay from the court on underlying legal challenges to the rule.

The EPA's initial move to halt the methane regulation came days ahead of a deadline for oil and gas drillers to comply with emissions control and gas leak monitoring requirements.

The EPA published another notice June 15, where it is seeking comment to further delay compliance by an additional two years.

And Another One

Earlier in June, the EPA again gave chemical companies more time to comply with the rule that requires them to update their risk management programs (RIN: 2040-AG91). It issued a temporary stay in mid-March without seeking notice, before launching a rulemaking to delay compliance until February 2019.

The Justice Department to date has been successful in getting courts to hold cases until the underlying rules are reconsidered, but John Cruden, former assistant attorney general for the Environment and Natural Resources Division under Obama, cautioned that changing any portion of the rule, including the effective dates, "inspires litigation."

"My own experience has been that very short time extensions often works," Cruden told Bloomberg BNA. "However, I believe DOJ will have an uphill battle trying to defend longer extensions unless the agency fully meets the requirements of the Administrative Procedure Act."

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 6/21/2017 8:22:15 PM
Subject: June 21 -- Energy and Climate Report - Afternoon Briefing



Energy and Climate Report

Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Energy Department Priorities Not Reflected in Budget: Moniz

Posted June 21, 2017, 12:30 P.M. ET

By Chuck McCutcheon

Former Energy Secretary Ernest Moniz said June 21 he sees a “disconnect” between his successor Rick Perry’s support for energy research and development and the Trump administration’s proposed budget.

“To be honest, I think Secretary Perry has made some very strong and positive statements in terms of R&D, in terms of innovation, but there’s a disconnect to the budget,” Moniz, who served under former President Barack Obama, told reporters.

The overall fiscal year 2018 budget request, which would reduce spending for research on coal, nuclear and other initiatives by 30 percent or more, is “a non-starter ... It just doesn’t do the job across the board,” Moniz said.

He said he’s particularly concerned the Energy Department’s national laboratories, which conducts much of its cutting-edge research, could be severely impacted if the proposed budget is passed.

Speaking at the National Press Club, Moniz also objected to some Republicans’ desire to have public-private partnerships replace federal funding.

“Public-private partnerships are important, but the idea that they’re going to fill this gap [in federal spending], I just don’t see,” he said.

Moniz made his remarks as he announced a new project, the Energy Futures Initiative, a nonprofit group that he said will study innovative solutions to energy issues.

Trump Relying on Courts to Halt Obama EPA Rules, Lawyers Say

Posted June 21, 2017, 7:01 A.M. ET

By Amena H. Saiyid

The Trump administration is placing a greater reliance on courts to block environmental regulations than any of its predecessors, according to lawyers interviewed by Bloomberg BNA.

The Environmental Protection Agency and the Justice Department have turned to the courts to endorse their actions to prevent the regulations from taking effect and freeze legal challenges. The Trump administration has used the strategy to halt several Obama-era regulations, including limits on toxic pollution from power plants, methane emissions standards for oil and gas wells, and requirements that chemical companies update their risk management programs.

These moves allow the Trump administration to quickly do away with regulatory requirements without having to engage in a full administrative rulemaking process, which buys the new administration time to revisit regulations and rewrite them as it sees fit.

Specifically, the EPA has delayed compliance with the rules administratively. The Justice Department has then followed these administrative moves by asking the courts to stay the underlying legal challenges to these rules on the basis of its decision to reconsider the rules. That strategy extends to lawsuits filed by environmental advocates over the administration's move to freeze compliance obligations, which the Justice Department has asked courts to dismiss.

"The Trump Administration is relying to an unusual degree on seeking courts to stay proceedings while they reengage the regulatory process," Justin Pidot, environmental law professor with University of Denver's Sturm School of Law, told Bloomberg BNA. Pidot formerly worked as an attorney in the Justice Department's Environment and Natural Resources division.

Reconsideration Not Unusual

It is not unusual for a newly elected administration to take steps to undo existing regulations that don't fit with its agenda. Since his election, President Donald Trump has taken steps to undo several major Obama-era environmental regulations, including carbon dioxide standards for power plants and a rule governing which waters are subject to federal jurisdiction under the Clean Water Act.

"Of course, it's not unusual for a new administration to review pending rules initiated by a prior administration," Andrew Stewart, an environmental attorney with Vinson & Elkins LLP in Washington, D.C. "This is particularly true when the new administration is from a different political party, and we saw this at the beginning of the Obama administration."

What most lawyers interviewed by Bloomberg BNA find "unique" about the Trump administration is the number of environmental regulations that it is seeking to undo, the speed with which they are being undone and the way it is going about it.

Hope Babcock, an environmental law professor with the Georgetown Law School, described the strategy of reliance on the courts as "clever" because it avoids the prolonged process of withdrawing a rule under the Administrative Procedure Act that requires public notice and comment.

The administrative stay causes the rule in question to enter a "regulatory black hole" until the agencies decide how they will rewrite portions they find objectionable.

For instance, compliance dates for the 2015 power plant effluent limits rule (RIN: 2040-AF76) were to take effect in 2018, but the EPA issued an administrative stay on April 12, postponing compliance indefinitely. That rule required more than 1,000 power plants to use the best available technology that is economically achievable to regulate waste streams that are generated by the use of air pollution controls and coal gasification techniques.

Delays Draw Lawsuits

A coalition of environmental groups represented by Earthjustice challenged the delay in effluent limits, saying the EPA didn't follow the Administrative Procedure Act in giving the public an opportunity to comment on the delay on its proposed rewrite.

The Justice Department in turn asked the U.S. District Court for the District of Columbia to either dismiss the environmental groups' challenge or transfer the case to the U.S. Court of Appeals for the Fifth Circuit, which already froze litigation against the effluent regulation pending EPA's review of the rule.

Stewart, who served in the Justice Department until late 2015, noted that the EPA did publish June 6 a public notice (82 Fed. Reg. 26,017) seeking comment on the postponed compliance deadlines.

Thomas Cmar, an Earthjustice attorney representing the environmental advocates, told Bloomberg BNA that the challenge, as outlined in their legal response, is over the administrative stay that EPA issued in April. At that time, the EPA failed to give prior notice or accept public comment on the stay before issuing it, a "move that is illegal" under the Administrative Procedure Act, according to Cmar.

The EPA's subsequent move to seek comment on the delayed compliance deadlines is equally flawed, Cmar said, because the notice was issued under the Clean Water Act, not the Administrative Procedure Act. The Clean Water Act doesn't make any provision to reconsider or postpone compliance deadlines for effluent limits once they are established, Cmar said.

Similar Treatment for Methane Rules

The EPA followed the same strategy when it came to undoing air pollution regulations (RIN:2060-AT59) on oil and gas wells that aim to limit emissions of methane, a potent greenhouse gas.

In that instance, the agency delayed implementation of the methane standards by 90 days, but again didn't seek public comment. At that time, the DOJ followed the administrative freeze by successfully seeking a stay from the court on underlying legal challenges to the rule.

The EPA's initial move to halt the methane regulation came days ahead of a deadline for oil and gas drillers to comply with emissions control and gas leak monitoring requirements.

The EPA published another notice June 15, where it is seeking comment to further delay compliance by an additional two years.

And Another One

Earlier in June, the EPA again gave chemical companies more time to comply with the rule that requires them to update their risk management programs (RIN: 2040-AG91). It issued a temporary stay in mid-March without seeking notice, before launching a rulemaking to delay compliance until February 2019.

The Justice Department to date has been successful in getting courts to hold cases until the underlying rules are reconsidered, but John Cruden, former assistant attorney general for the Environment and Natural Resources Division under Obama, cautioned that changing any portion of the rule, including the effective dates, "inspires litigation."

“My own experience has been that very short time extensions often works,” Cruden told Bloomberg BNA. “However, I believe DOJ will have an uphill battle trying to defend longer extensions unless the agency fully meets the requirements of the Administrative Procedure Act.”

Icahn Influence Gets Scrutiny as EPA Prepares Biofuel Quota

Posted June 21, 2017, 11:52 A.M. ET

By [Brian Dabbs](#)

A top Trump adviser’s oil-related profits and regulatory influence is now coming under fire from House Democrats.

The lawmakers are [asking](#) the EPA to disclose all communications with Carl Icahn, the billionaire refinery owner and informal White House regulatory czar. Rep. Frank Pallone (D-N.J.) and other Energy and Commerce Committee Democrats are also suggesting Icahn’s business dealings present an inherent conflict of interest.

That pressure comes at a particularly sensitive time. The Environmental Protection Agency is set to unveil 2018 quotas for the renewable fuel standard.

Icahn has repeatedly criticized the biofuel blending mandate, and his refining company, CVR Energy Inc., spent \$60 million less on biofuel credits in the first quarter of 2017, according to SEC filings unpacked by Bloomberg News.

The Energy Independence and Security Act (Pub. L. No. 110-140) sets biofuel blending quotas through 2022. Those refiners that don’t blend biofuel, such as CVR, must purchase the credits to comply with the mandate.

Icahn has caused waves since President Donald Trump tapped him as an adviser in December 2016. Senate Democrats have pressured more disclosure on his activities since inauguration day, but the June House letter marks the first salvo from that side of Capitol Hill.

EU Maps Out Ecodesign Plan for Energy-Efficient Data Equipment

Posted June 21, 2017, 12:38 P.M. ET

By [Stephen Gardner](#)

The European Commission published a plan that could lead to new ecodesign requirements for computer servers and data storage equipment sold in the European Union.

The commission, the EU’s executive arm, issued the “roadmap” on the environmental impact of servers and data storage equipment June 20. It also set out a plan to assess whether energy efficiency and other environmental obligations should be established for the equipment, but does not commit the commission to take action.

Ecodesign standards for servers would be “a step in the right direction. With the explosion of digital content and internet traffic, Europe needs to look closely at the environmental impact” of the information and communication technology sector, said Chloe Fayole, policy officer with the

European Environmental Citizens Organization for Standardization, which campaigns for environmental standards for products.

The standards could lead to a yearly energy saving by 2030 equivalent to the annual electricity consumption of EU member country Croatia, according to the roadmap. Currently, energy efficiency standards are lacking for servers and data storage, however, and data centers are often configured to be less energy-efficient than they could be, the commission said.

Mandatory energy efficiency and recyclability standards could be imposed on servers and data storage devices under the EU Ecodesign Directive (2009/125/EC), under which groups of products are assessed for potential energy savings.

Public comments on the plan can be submitted through July 18.

The Energy Star program, through which the EU and U.S. cooperate on energy certification of office equipment, also could be extended as an option for servers and data storage equipment, according to the roadmap. Energy Star standards already exist for enterprise servers and data center power supply.

The future of Energy Star is uncertain, however, after U.S. President Donald Trump in his budget request to Congress in May proposed to eliminate the program's annual funding of about \$50 million.

"If the U.S. reduce their speed on energy efficiency, Europe would need to step up. If the U.S. becomes weaker on energy efficiency, this will be detrimental for Europe too. When the U.S. energy efficiency standards are more ambitious than the EU ones, it's a great incentive for Europe to regulate, and vice versa," Fayola said.

U.K. Seeks to Lead World in Driverless and Electric Vehicles

Posted June 21, 2017, 11:25 A.M. ET

By Jessica Shankleman

The U.K. government plans to invest more than 800 million pounds (\$1 billion) in new driverless and zero-emission vehicle technology as it seeks to boost its economy while leaving the European Union.

Investment in research and new recharging infrastructure is intended to make Britain a "leader" in electric and autonomous vehicles, Queen Elizabeth II said in a June 21 speech marking the state opening of Parliament in London. The technology may be worth 28 billion pounds to the economy by 2035, the government estimates.

In order to deliver on that goal, the government will:

- Extend mandatory vehicle insurance to cover the use of automated vehicles
- Set a target for almost every car and van to be zero emission by 2050
- Allow government to require motorway service areas and large gasoline stations to install electric vehicle recharging points

- Require a set of common standards for charging points so they can be used widely across all vehicles

Invest 200 million pounds in researching and testing driverless car infrastructure and 600 million pounds during the course of this Parliament in supporting the ultra-low emission vehicles, sums which had been previously announced

The measures were welcomed by businesses, which had been concerned that Prime Minister Theresa May's focus on withdrawing Britain from the European Union would push issues like air pollution down the agenda.

"It is encouraging to see the government's desire to make the U.K. a leader in new industries and enhance its role on the world stage," said Nick Molho, executive director of the Aldersgate Group, an alliance of business leaders, politicians and non-profit groups that's pressing the Treasury on environmental policies.

As well as offering a new source of revenue, EVs could help reduce smog, which is linked to about 40,000 early deaths each year, and is draining 20 billion pounds a year from the economy, according to the Royal College of Physicians.

The government is working to publish a final plan setting out how it will tackle the issue next month. It has lost two court battles with ClientEarth, an environmental pressure group that sued claiming the current action was not good enough to meet legal requirements.

Although electric cars are still only about 1 percent of all U.K. vehicle sales, the country was one of only a handful worldwide to have more than 100,000 plug-in automobiles on the road, according to Colin McKerracher, analyst for Bloomberg New Energy Finance.

"The announcements today on charging infrastructure in particular should help pave the way for broader EV adoption in the 2020s," McKerracher said. "Much of the pressure for EVs across Europe comes from EU fleet-wide vehicle CO2 targets and it remains unclear what comparable standards the U.K. will enact or adopt post-Brexit."

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Burkina Faso Gets Solar Plant After Energy Policy Change

Posted June 21, 2017, 8:17 A.M. ET

By [Simon Gongqo](#)

Burkina Faso signed an agreement to build a solar plant in the first such deal after the West African nation adopted legislation that authorizes private investment in the energy sector.

Windiga Energy Inc. of Canada will install 85,000 photovoltaic panels to generate about 20 megawatts in the northwestern outskirts of the capital, Ouagadougou, the country's energy minister, Alfa Omar Dissa, told reporters after the June 20 signing ceremony. The project will contribute to reducing the cost of electricity, Dissa said.

"We hope this will generate many other projects," Finance Minister Hadizatou Sori Coulibaly said.

The investment follows after the liberalization of the West African nation's energy sector in April as

the government seeks to improve connectivity in a country where only 17 percent of the population has access to electricity, according to U.S. Agency for International Development data. The landlocked country of about 18 million has installed generation capacity of about 200 megawatts.

Gas Plant

Windiga Energy is also in talks with the government to build a \$200 million gas power plant that will generate 140 megawatts, Chief Executive Officer Benoit La Salle told reporters at the same ceremony. The first phase of the solar plant, which can be extended to generate 30 megawatts, will cost 34 million euros (\$38 million) and is funded by Windiga, he said.

In another project, the government ordered the construction of a 33 megawatts solar plant near the capital, of which the 47.5 million euros cost will be funded by a grant from the European Union and a French Development Agency loan, Dissa said. Over the next three years, the country wants to supply 300 villages with solar energy and install 3,000 solar lamps with funding from the state budget, he said.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 6/21/2017 8:15:42 PM
Subject: EPA watchdog to evaluate agency methane estimates

By Alex Guillén

06/21/2017 04:12 PM EDT

EPA's inspector general has launched an inquiry into how the agency estimates methane emissions from the oil and gas industry, according to a [notice](#) signed today.

Investigators will focus on two specific objectives, according to the notice. The first is "the extent to which" EPA incorporated data from two studies conducted by the Environmental Defense Fund and the University of Texas at Austin dating from 2013 and 2014. The second is whether "technical concerns" about those studies "were identified or brought to the EPA's attention, and how the EPA addressed and resolved any such concerns."

"This project should provide value to the EPA, states and the public by assessing whether selected methods the EPA uses to estimate methane emissions are valid," the notice says.

The notice does not specify who requested the inquiry, but it appears to be connected to a [request](#) made last year by NC Warn, a North Carolina climate change nonprofit, which alleged the studies were part of a "persistent and deliberate cover-up" to downplay industry emissions and avoid stronger regulations. Its request also [received backing](#) from a coalition of environmental groups, including the Center for Biological Diversity, Food & Water Watch, Climate Hawks Vote and Beyond Extreme Energy.

WHAT'S NEXT: EPA's inspector general will review EPA's use and review of the studies. There is no specific timetable to complete the inquiry, but the process likely will take months.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/06/epa-watchdog-to-evaluate-agency-methane-estimates-089488>

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From: Anna Palmer and Jake Sherman
Sent: Sun 5/21/2017 2:55:15 PM
Subject: POLITICO Playbook, presented by JPMorgan Chase & Co.: TRUMP on the 'battle between good and evil' -- Egypt reset continues, WH planning trip -- WOODWARD byline on WaPo Pentagon investigation -- SNL last night -- WEEKEND READS -- B'DAY: Mosheh Oinounou

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Today's PLAYBOOK presented by JPMorgan Chase & Co.
05/21/2017 10:52 AM EDT

By JAKE SHERMAN (sherman@politico.com; [@JakeSherman](https://twitter.com/JakeSherman)) and ANNA PALMER (anna@politico.com; [@apalmerdc](https://twitter.com/apalmerdc)) with DANIEL LIPPMAN (daniel@politico.com; [@dlippman](https://twitter.com/dlippman))

Driving the Day

Good Sunday morning. 'BATTLE BETWEEN GOOD AND EVIL' -- Here are some bites from President Donald Trump's speech today in Saudi Arabia -- from the pool.

"OUR FRIENDS will never question our support, and our enemies will never doubt our determination. Our partnerships will advance security through stability, not through radical disruption. We will make decisions based on real-world outcomes - not inflexible ideology. We will be guided by the lessons of experience, not the confines of rigid thinking. And, wherever possible, we will seek gradual reforms - not sudden intervention. ...

"America is a sovereign nation and our first priority is always the safety and security of our citizens. We are not here to lecture -- we are not here to tell other people how to live, what to do, who to be, or how to worship. Instead, we are here to offer partnership - based on shared interests and values - to pursue a better future for us all. Every time a terrorist murders an innocent person, and falsely invokes the name of God, it should be an insult to every person of faith. ...

"America is prepared to stand with you -- in pursuit of shared interests and common security. But the nations of the Middle East cannot wait for American power to crush this enemy for them. The nations of the Middle East will have to decide what kind of future they want for themselves, for their countries, and for their children. ...

"That means honestly confronting the crisis of Islamist extremism and the Islamist terror groups it inspires. And it means standing together against the murder of innocent Muslims, the oppression of women, the persecution of Jews, and the slaughter of Christians. Religious leaders must make this absolutely clear: Barbarism will deliver you

no glory -- piety to evil will bring you no dignity. If you choose the path of terror, your life will be empty, your life will be brief, and your soul will be condemned."

SUNDAY BEST -- SEN. MARCO RUBIO shoots back in an interview with **JAKE TAPPER** on CNN's "State of the Union." Jake asked him to respond to Trump's "we are not here to lecture" line. **TAPPER:** "Senator, frankly, I cannot imagine you ever saying anything like that when standing in a country like Saudi Arabia. Are you concerned at all about the president seemingly abdicating the very public role of the United States in standing up to for democracy and human rights?" **RUBIO :** "Well, I mean, yes, that would not have been a part of a speech that I would have delivered, for the reason that I think it's in our national security interest to advocate for democracy and freedom and human rights, now, with a recognition that you may not get it overnight. There needs to be a period of transition. And I think, further in that speech, they talk about gradual improvements in places, which I think is wise and pragmatic."

RUBIO on TRUMP on CBS's "Face the Nation" : "I don't understand why people are that shocked; this president ran a very unconventional campaign. I was there for a big part of it at the beginning alongside being one of his competitors. And that's what the American people voted for and in essence, this White House is not much different from the campaign. We -- people got what they voted for; they elected him. Obviously, it's in the best interest of this country to help him succeed. As far as the drama's concerned, yeah it's unique. It's different from anything we've confronted. I think our job remains to do our work. We'll have to deal with these issues. These issues come up, these questions, every single day. And I do think the White House would benefit from some systems in place that perhaps avoid some of the unnecessary friction points that come up on a daily basis."

During a bilateral meeting with Jaber Al-Ahmad Al-Sabah, the emir of Kuwait, **PRESIDENT TRUMP** said he'll have a news conference in two weeks to let people know how the U.S. is doing in its fight against ISIS, per NYT's Mike Shear, one of today's poolers.

ANNIE KARNI in Riyadh: "**Trump plans Middle East return - to Egypt**": "President Donald Trump, a homebody by nature who spent five months in office before making his first trip abroad, said Sunday that he is planning a return trip to the Middle East, to visit Egypt. 'We will absolutely be putting that on the list very soon,' Trump said of an upcoming trip to Egypt, during a bilateral meeting with the Egyptian president, Abdel Fattah el-Sisi, at the Ritz Hotel in Riyadh. The visit would mark the latest step in a major reset in American relations with Egypt - and a tighter embrace by the Trump administration of the authoritarian regime." <http://politi.co/2rEHBvA>

-- IN THE MEETING Trump also commented on Sisi's shoes. "Love your shoes. Boy, those shoes. Man," Trump said. ***See a pic via Jen Jacobs of one of his shoes*** <http://bit.ly/2qKxLIH>

TRUMP spoke with Israel HaYom -- Sheldon Adelson's newspaper -- ahead of his trip to

Israel. "Trump apologized for not having a lot of time, saying, 'I can't believe I'm sitting down with you, Boaz. Do you realize how many things I have going on this week? But I promised you an interview before my trip to Israel so I'm going to keep my word. Right? Did you see that I smiled at you during the press conference?' ... **"When I bid Trump farewell, I reminded him** that the next time we meet will be in Israel. We have already met in Washington, in Las Vegas, in Florida, in New York and twice in the Oval Office. 'Goodbye, thank you, and have a great trip, Mr. President.' 'See you in Israel, Boaz,' he answered with the friendly smile of an acquaintance who has turned into a good friend." <http://bit.ly/2pZ5xg9>

THE FAMILY -- "Saudi Arabia, U.A.E. Pledge \$100 Million to World Bank's Women Entrepreneurs Fund," by WSJ's Carol Lee in Riyadh: "[A]t an event with Ivanka Trump ... Saudi Arabia and United Arab Emirates [are pledging] \$100 million collectively toward a fund for women who own or want to start businesses ... The money for the bank's proposed Women Entrepreneurs Fund would be aimed at women in the Middle East ... [T]he fund's goal [is] helping women start and run successful businesses by easing their access to finance, markets and networks." <http://on.wsj.com/2rqaUVA>

ANNIE'S LOOKAHEAD TO JERUSALEM from Riyadh: **"Can Jason Greenblatt Deliver Peace for Donald Trump?** The trusted Trump Organization negotiator is charged with figuring out how to deliver 'the ultimate deal'": "Greenblatt is the rare, old-school, Trump loyalist in a work environment where many of Trump's top advisers are newcomers who date back only as far as his 2016 campaign. He reports directly to senior adviser Jared Kushner, and functions outside of the competing spheres of influence in the West Wing. ... In his previous life, the soft-spoken, sharp listener taught a class at Yeshiva University, entitled 'The Anatomy of a Real Estate Deal,' which was capped off with a field trip to Trump Tower." ***With cameos by Josh Raffel, Jeremy Bash, Dennis Ross, Elliott Abrams, Martin Indyk*** <http://politi.co/2qLiHus>

TRUMP spoke with Israel HaYom -- Sheldon Adelson's newspaper -- ahead of his trip to Israel. "Trump apologized for not having a lot of time, saying, 'I can't believe I'm sitting down with you, Boaz. Do you realize how many things I have going on this week? But I promised you an interview before my trip to Israel so I'm going to keep my word. Right? Did you see that I smiled at you during the press conference?' ...

"When I bid Trump farewell, I reminded him that the next time we meet will be in Israel. We have already met in Washington, in Las Vegas, in Florida, in New York and twice in the Oval Office. 'Goodbye, thank you, and have a great trip, Mr. President.' 'See you in Israel, Boaz,' he answered with the friendly smile of an acquaintance who has turned into a good friend." <http://bit.ly/2pZ5xg9>

TOP TWEETS -- @maggieNYT: "Priebus is said to be leaving the traveling White House caravan early, returning this week instead of staying the full foreign trip." ... **@Acosta:** "Tillerson dances at dinner for POTUS and King Salman in Saudi Arabia" <http://bit.ly/2r5B401> ... **@anniekarni:** "Spicer has landed." <http://bit.ly/2pYQcfr>

... **Ben Hubbard (@NYTBen):** "Country star @TobyKeithMusic with Saudi musician @RabehSaqr in Riyadh last night for an audience of hundreds of Saudi men (and no women)." <http://bit.ly/2qEpebT> ... **@NYTBen:** "An audience of Saudi men listening politely to country music in Riyadh." <http://bit.ly/2rF8vnp>

ARTICLE OF THE DAY -- NYT, A1 -- "Killing C.I.A. Informants, China Crippled U.S. Spying Operations," by Mark Mazzetti, Adam Goldman, Mike Schmidt and Matt Apuzzo: "The Chinese government systematically dismantled C.I.A. spying operations in the country starting in 2010, killing or imprisoning more than a dozen sources over two years and crippling intelligence gathering there for years afterward.

"Current and former American officials described the intelligence breach as one of the worst in decades. It set off a scramble in Washington's intelligence and law enforcement agencies to contain the fallout, but investigators were bitterly divided over the cause. Some were convinced that a mole within the C.I.A. had betrayed the United States. Others believed that the Chinese had hacked the covert system the C.I.A. used to communicate with its foreign sources. Years later, that debate remains unresolved.

"But there was no disagreement about the damage. From the final weeks of 2010 through the end of 2012, according to former American officials, the Chinese killed at least a dozen of the C.I.A.'s sources. According to three of the officials, one was shot in front of his colleagues in the courtyard of a government building -- a message to others who might have been working for the C.I.A. Still others were put in jail. All told, the Chinese killed or imprisoned 18 to 20 of the C.I.A.'s sources in China, according to two former senior American officials, effectively unraveling a network that had taken years to build." <http://nyti.ms/2rqPsQa>

***** **A message from JPMorgan Chase & Co.:** JPMorgan Chase believes in the power of data to expand economic opportunity. That's why it helped arm Detroit's leaders with extensive data and expertise to help inform their work and improve efforts underway all across the city. See how they're using this information to make targeted, effective decisions for Detroit: <http://politi.co/2r9j94F> *****

BOB WOODWARD BYLINE! -- "At the Pentagon, overpriced fuel sparks allegations - and denials -- of a slush fund," by WaPo's Craig Whitlock and Bob Woodward: "The Pentagon has generated almost \$6 billion over the past seven years by charging the armed forces excessive prices for fuel and has used the money - called the 'bishop's fund' by some critics - to bolster mismanaged or underfunded military programs, documents show.

"Since 2015, the Defense Department has tapped surpluses from its fuel accounts for \$80 million to train Syrian rebels, \$450 million to shore up a prescription-drug program riddled with fraud and \$1.4 billion to cover unanticipated expenses from the war in Afghanistan, according to military accounting records. The Pentagon has amassed the extra cash by billing the armed forces for fuel at rates often much higher -- sometimes \$1 per gallon or more -- than what commercial airlines paid for jet fuel on the open

market." <http://wapo.st/2rFOagI>

THE SPECIAL COUNSEL -- "Russia meeting revelation could trigger obstruction investigation," by Josh Meyer: "The new special counsel investigation into possible collusion between associates of President Donald Trump and Russia is just getting started - and it could take years to resolve. But Trump's Oval Office boast to Russian officials May 10 about why he fired FBI Director James Comey will almost certainly trigger a more immediate, and potentially perilous, legal development: an obstruction of justice investigation into whether the president intentionally engaged in a cover-up that warrants the filing of criminal charges, current and former Justice Department officials say." <http://politi.co/2q5OIMt>

THE INVESTIGATION -- "House Inquiry Turns Attention to Trump Campaign Worker With Russia Ties," by NYT's Maggie Haberman: "Michael Caputo, who served as a communications adviser to the Trump campaign, has been asked by the House committee investigating Russian election meddling to submit to a voluntary interview and to provide any documents he may have that are related to the inquiry.

"The House Intelligence Committee ... made its request in a letter on May 9. Mr. Caputo, who lives near Buffalo and spent six months on the Trump team, worked in Russia during the 1990s and came to know Kremlin officials. He also did work in the early 2000s for Gazprom Media, a Russian conglomerate that supported President Vladimir V. Putin." <http://nyti.ms/2q6bmUR>

FOR YOUR RADAR -- "North Korea fires midrange missile in its latest test," by AP's Kim Tong-Hyung in Seoul: "North Korea fired a medium-range missile on Sunday, U.S. and South Korean officials said, the latest ballistics test for a country speeding up its development of nuclear weapons and missiles. The rocket was fired from an area near the North Korean county of Pukchang, in South Phyongan Province, and flew eastward about 500 kilometers (310 miles), said South Korea's Joint Chiefs of Staff. The U.S. Pacific Command said it tracked the missile before it landed into the sea." <http://apne.ws/2qKRliu>

-- "Exclusive: North Korea's Unit 180, the cyber warfare cell that worries the West," by Reuters' Ju-min Park and James Pearson in Seoul: "North Korea's main spy agency has a special cell called Unit 180 that is likely to have launched some of its most daring and successful cyber attacks, according to defectors, officials and internet security experts. North Korea has been blamed in recent years for a series of online attacks, mostly on financial networks, in the United States, South Korea and over a dozen other countries. Cyber security researchers have also said they have found technical evidence that could link North Korea with the global WannaCry 'ransomware' cyber attack that infected more than 300,000 computers in 150 countries this month. Pyongyang has called the allegation 'ridiculous'." <http://reut.rs/2qHMHcn>

K FILE STRIKES AGAIN! -- "Sheriff David Clarke plagiarized portions of his master's thesis on homeland security," by CNN's Andrew Kaczynski, Christopher

Massie and Nathan McDermott: "Controversial Milwaukee County Sheriff David Clarke, who this week announced he will be joining Donald Trump's administration as assistant secretary in the Department of Homeland Security, plagiarized sections of his 2013 master's thesis on U.S. security, a CNN KFile review has found.

"Clarke, a visible surrogate for Trump during the campaign known for his incendiary rhetoric, earned a master's degree in security studies at the Naval Postgraduate School in Monterey, California. In his thesis, 'Making U.S. security and privacy rights compatible,' Clarke failed to properly attribute his sources at least 47 times." <http://cnn.it/2r62Cm3>

SUNDAY BEST -- GEORGE STEPHANOPOULOS speaks with **H.R. McMaster** on **ABC's "This Week"**: **STEPHANOPOULOS**: "Did you understand how this might look though? To an average American right now. You have the President of the United States telling the Russian foreign minister, in their first meeting, that that the pressure is off because he's fired the FBI director investigating Russian interference in the campaign. Does that seem appropriate to you?"

McMASTER: "As you know it's very difficult to take a few lines, to take a paragraph out of what are what appear to be notes of that meeting. And to be able to see the full context of the conversation. As I mentioned last week, the real purpose of the conversation was to confront Russia on areas, as I mentioned, like Ukraine and Syria, their support for Assad, and their support for the Iranians. While trying to find areas of cooperation as in the area of counterterrorism and the campaign against ISIS. And so ... that was the intent of that conversation was to say what I'd like to do is move beyond all of the Russia news so that we can find areas of cooperation."

STEPHANOPOULOS: "So did the president confront them on their interference in our election? This was their first meeting." **McMASTER**: "Well you know, there already was too much that's been leaked from those meetings. And one of the things that I'm most concerned about is the confidence, the confidentiality of those kind of meetings, as you know, are extremely important. And so, I'm really concerned about these kind of leaks because it undermines everybody's trust in that kind of an environment where you can have frank, candid and oftentimes unconventional conversations to try to protect American interests and secure the American people."

-- **CHRIS WALLACE** interviews **SECRETARY OF STATE REX TILLERSON** on **"FOX NEWS SUNDAY"** -- per Zach Warmbrodt: "Secretary of State Rex Tillerson on Sunday denounced a violent clash in Washington last week involving Turkish security personnel and protesters, as the administration faced political pressure to respond. In an interview on 'Fox News Sunday,' Tillerson said the State Department had called in the ambassador of Turkey to discuss the incident and say 'that this is simply unacceptable.' 'There is an ongoing investigation,' he said. 'We'll wait and see what the outcome of that investigation is. But we have expressed our dismay at what occurred at the Turkish embassy.'" <http://politi.co/2rEYnef>

-- **WALLACE:** "Mr. Secretary, you were in the Oval Office when the president met with Russian Foreign Minister Lavrov on May 10, and according to the official summary, the president told Lavrov, 'I just fired the head of the FBI. He was crazy, a real nut job. I face great pressure because of Russia, that's taken off.' My question to you, sir, as someone who was in that meeting -- was he telling the Russians that firing Comey was taking off legal and political pressure?"

TILLERSON : "Chris, that's not my -- my interpretation, certainly, of the conversation. And I think what the president was trying to convey to the Russians is, look, I'm not going to be distracted by this -- all these issues that are here at home, they -- that, you know, affect us domestically. I'm not going to let that distract from our efforts to see if we can engage with you, engage with Russia, and identify areas where we might be able to work together. The president I think reemphasized the message to the Russians that the relationship is at a low point and we need to change that, we need to both work towards trying to improve that. So I think the point he was making is I'm not going to be distracted by those things that are happening here at home. Won't let them get in the way of the important work of engaging Russia to see what can be done to improve this relationship."

SNL'S SEASON FINALE LAST NIGHT -- "Hallelujah Cold Open": "Donald Trump (Alec Baldwin) [wearing a Russian flag lapel pin], Kellyanne Conway (Kate McKinnon), Mike Pence (Beck Bennett), Eric Trump (Alex Moffat), Donald Trump Jr. (Mikey Day), Sarah Huckabee Sanders (Aidy Bryant), Melania Trump (Cecily Strong) and Ivanka Trump (Scarlett Johansson) perform 'Hallelujah.'" **3-min. video** <http://bit.ly/2rq9rPa>

Playbook Reads

PHOTO DU JOUR: President Donald Trump holds a sword and sways with traditional dancers during a welcome ceremony at Murabba Palace, Saturday, May 20, 2017, in Riyadh. (AP Photo/Evan Vucci)

REMINDER: Trump's budget will be released TUESDAY ... **AP'S ANDY TAYLOR:** **"Republicans already giving Trump's budget a cold shoulder"**
<http://apne.ws/2rqLK9I>

MULLER AND COMEY -- BOSTON GLOBE front page, "2 former FBI directors, 1 investigation," by Annie Linskey and Matt Viser: "It's unclear if the two men will remain allied, with Comey shifting to the role of probable witness and Mueller the lead investigator. 'They're different - and both people of great capacity,' [John] Ashcroft said in an interview last week. ... 'This is not the first rodeo for either of these folks.' ... 'Both men were viewed differently within the White House,' said [Alberto] Gonzales, who went on to serve as a US attorney general. 'Mueller was much more respected,' he said. 'He

has better judgment. He's much more mature." <http://bit.ly/2qKT1xU>

THE RESISTANCE -- "Feinstein scalded by anti-Trump fervor," by California Playbookers David Siders and Carla Marinucci in Sacramento: "Liberal hecklers have protested outside Dianne Feinstein's home. She's been confronted at a Los Angeles fundraiser and a San Francisco town hall meeting by progressives angered by her skeptical view of single payer health care and support for some of Donald Trump's earliest nominees. In a state marked by its unfettered resistance to the president, California's senior senator and ranking Democratic member of the Judiciary Committee is dealing with burgeoning unrest in the party ranks at home, a symptom of the roiling anti-Trump politics on the left.

"Despite her interrogation of Neil Gorsuch at his Supreme Court confirmation hearings, Feinstein's brand of moderation is showing signs of slipping out of favor in a state that delivered a landslide margin against Trump. Her public approval rating, while still in relatively positive territory, has ticked down. 'The time has absolutely changed for politicians like her,' said Robert Shearer, a state party executive board member who served as a delegate whip for Sen. Bernie Sanders' presidential campaign last year." <http://politi.co/2q91rNP>

-- L.A. TIMES: "Rep. Adam Schiff calls for Democratic unity in speech that suggests an ambitious future for himself," by Cathleen Decker: "Rep. Adam B. Schiff has been one of President Trump's most able tormenters in Washington as the ranking Democrat on the House committee looking into the involvement of Russia in the 2016 presidential election. In the process, the congressman from Burbank has also vaulted himself into the top ranks of California Democrats. On Saturday night he delivered to party members at their state convention a speech that spoke of ambitions for them -- and, none too subtly, himself.

"Schiff has been high on the list of Democrats considered interested in a run for the U.S. Senate if incumbent Democrat Dianne Feinstein were to announce that she will not seek another term in 2018. (So far, she has said she's running.)" <http://lat.ms/2q5RnG4>

BILL SCHER in POLITICO Magazine on "An Outrageously Early Field Guide to 2020": <http://politi.co/2rqtVap>

***** **A message from JPMorgan Chase & Co.:** In order to create more opportunities for Detroiters to secure well-paying jobs, JPMorgan Chase worked to boost the city's workforce readiness, and today, there are clear signs of progress. Nearly 15,000 Detroiters, young people and adults, have participated in job skills training programs and received career and technical education. Learn more about the impact of retooling Detroit's workforce: <http://politi.co/2raEMIX> *****

WHAT DINA POWELL IS READING -- "Why Staying Put Was McMaster's Most Patriotic Act: The National Security adviser was called a hypocrite for defending Trump's handling of classified intelligence. But critics misread his book and his motives,"

by Mark Perry in POLITICO Magazine: "There are some things not to like about H.R. McMaster: He can be overbearing, has a volcanic temper and promotes a strategy of 'forward deterrence,' which means, his critics claim, more American troops in more unwinnable wars. But McMaster is not invisible, will not stay in his lane, will not be intimidated, and will not remain silent. McMaster might not win any lifetime achievement awards, but he won't walk away. He'll be a patriot." <http://politi.co/2q8WvZb>

BONUS GREAT WEEKEND READS, curated by Daniel Lippman:

--**"Tesla factory workers reveal pain, injury and stress: 'Everything feels like the future but us,'"** by The Guardian's Julia Carrie Wong in Fremont, California:

"Ambulances have been called more than 100 times [to Tesla's factory] since 2014 for workers experiencing fainting spells, dizziness, seizures, abnormal breathing and chest pains, according to incident reports obtained by the Guardian. Hundreds more were called for injuries and other medical issues." <http://bit.ly/2qEjxL9>

--**"A Girls' Guide to Saudi Arabia,"** by Maureen Dowd in Vanity Fair in August 2010 with pix by Ashley Parker: "Saudi Arabia! Just the vacation spot for a headstrong, adventure-loving, cocktail-imbibing, fashion-conscious chick. Long averse to non-Muslim curiosity seekers, the Kingdom is now flirting with tourism, though drinking is forbidden and women can't drive-or do much of anything-without a man. Armed with moxie and a Burqini, the author confronts the limits of Saudi Arabian hospitality, as well as various male enforcers, learning that, as always, it matters whom you know."

<http://bit.ly/2rFNhoD>

--**"Saudi Arabia Experiments with Reform Amid Economic Downturn,"** by Susanne Koelbl in Der Spiegel: "'Why' is a word that didn't previously exist in Saudi Arabian public debate. Suddenly, it can be heard all over the place, as if the economic crisis is forcing the country to undergo a kind of late-period enlightenment. Everything is being renegotiated, from benefits to the distribution of money, and the question of who will enjoy new freedoms and who will lose old privileges. In sum, the country's previous social pact - prosperity in exchange for submission - is being challenged."

<http://bit.ly/2q4yDpm>

--**"When Your Child Is a Psychopath,"** by Barbara Bradley Hagerty in June's Atlantic:

"Whereas normally developing children at that age grow agitated when they see other children cry - and either try to comfort them or bolt the scene - these kids show a chilly detachment." <http://theatl.in.tc/2qFJM1R>

--**"Why 'Net Neutrality' Drives the Left Crazy,"** by Tunku Varadarajan in the WSJ:

"The FCC's new chairman [Ajit Pai] on his plan to reopen the internet to competition-and the agitators picketing his family home." <http://on.wsj.com/2pWmjwu>

--**"Sending Jobs Overseas,"** by Christopher Caldwell in the Claremont Review:

"Computers were the key. Once a complex manufacturing process could be supervised from afar, it could be broken up into the simplest constituent tasks, and those could be

done almost anywhere. Corporations could play governments off against one another. Globalisation is not about nations. It is not about products. And it has not been about people for a long time. No, it is about tasks." <http://bit.ly/2qFBZBt>

--"**BASIS: Inside the Acclaimed School Network That's Blended Together the World's Best Education Practices**," by Kate Stringer in The 74: BASIS is "a chain of 27 public charter, private, and international schools in five states, Washington, D.C., and China that recently captured four of the top five spots on U.S. News and World Report's annual ranking of America's best high schools. BASIS makes advanced, immersive coursework a requirement for all students, from pre-K through high school - an approach that some dub 'deep content.'" <http://bit.ly/2rFTnFd>

--"**Slop Machines**," by John Semley in Eater Magazine: "How a family of hog farmers manage the excess of the world's most indulgent city." <http://bit.ly/2rA4bEU>

--"**A Murderous History of Korea**," by Bruce Cumings in the London Review of Books: "The Republic of Korea was one of the bloodiest dictatorships of the early Cold War period. South Korea's stable democracy and vibrant economy from 1988 onwards seem to have overridden any need to acknowledge the previous forty years of history, during which the North could reasonably claim that its own autocracy was necessary to counter military rule in Seoul. It's only in the present context that the North looks at best like a walking anachronism, at worst like a vicious tyranny." <http://bit.ly/2q4dvzQ> (h/t TheBrowser.com)


--"**An Underground College for Undocumented Immigrants**," by Jonathan Blitzer in The New Yorker: "Refused admission by public universities and unable to get funding from private ones, aspiring students find another way." <http://bit.ly/2rAs003>

--"**Breaking News: The Secret Transcripts of the Six-Day War, Part I**," by Yaacov Lozowick in Tablet Magazine: "Dayan, flamboyant and erratic, boasted that Israel could reach Cairo if anyone was interested, and would soon take Sharm el-Sheikh and hold it for 300 years. He also told the ministers they needed to talk less as he didn't have time for a long meeting. Perhaps the single most important decision in millennia - that the Jews should rule in Jerusalem - was probably made early on June 7 by Moshe Dayan, not by Israel's government." <http://bit.ly/2rmCjaP>

--"**Platonically irrational**," by Nick Romeo in Aeon Magazine: "How much did Plato know about behavioural economics and cognitive biases? Pretty much everything, it turns out." <http://bit.ly/2qG7ueE>

--"**The Future of Media Is Here, and I Was There**," by Sean Cooper in Tablet Magazine: "Content marketers convene in Boston to rid the world of bad content, get under your skin, and scavenge the rotting bones of journalism." <http://bit.ly/2q1kVVI> (h/t ALDaily.com)

Playbookers


<http://bit.ly/2r5H5tt> ... former Obama ambassador Islam Siddique, Suhail Khan and Jana Plat yesterday at a performance by Comedy Central's Hasan Minaj at the 6th and I historic synagogue ... Jose Andres, Rep. John Delaney (D-Md.) and the founders of Ben & Jerry's, Ben Cohen and Jerry Greenfield, getting awards last night at the Halcyon Awards Gala at Union Station. Ben and Jerry personally scooped ice cream for attendees.

SPOTTED in the Stronach Group Owner's chalet at the Preakness: DJ Ben Chang playing throughout the day, warming up for DJ Cassidy, Ashley Chang, Kevin Spacey, Josephine Skriver, Carson Kressley, Baltimore Mayor Catherine Pugh, Ralph Northam, Belinda Stronach and the Stronach family, Dan Swartz, Mark and Sally Ein, Steve Clemons, Tammy Haddad, John Arundel, Patrick Knapp Schwarzenegger, and musicians Sam Hunt, High Valley, and LOCASH.

OUT AND ABOUT -- SPOTTED last night at the birthday party for communications guru Christine Delargy in Georgetown's East Village: Kimball Stroud, Scott Mulhauser, Kara Carscaden, Rodell Mollineau, Sheena Arora, Matt Dornic, Kyle Volpe, Nick Massella, Jay Newton-Small, Eliot Pence, Shawna Thomas, Mark Paustenbach, Andy Baldwin, Dan Ronayne and Paul Kane.

TRANSITIONS -- OBAMA ALUMNI -- Dave Wilkinson has joined Connecticut Gov. Dan Malloy's cabinet as Commissioner of Early Childhood, running a new state agency. He was previously director of the White House office of social innovation for President Barack Obama.

WEEKEND WEDDINGS - ERIC BRADNER, CNN Politics reporter and a Politico alum, on Saturday married **JESSICA WRAY**, communications manager for the Global Entrepreneurship Network, a nonprofit in DC. They're both from Indiana, which is where they met. Pool report from Eric's CNN colleague Tom LoBianco: The ceremony was "held at a beautifully restored United Methodist church just outside downtown Indy. This photo was taken just outside Indiana's statehouse, where Eric and Jessica used to report together. They both choked up a few times through their vows, we learned a few interesting items -- like who stuffs socks in the couch when they're sleepy." **Pics** <http://politi.co/2q5SBRG> ... <http://politi.co/2rqHgQ4>

--Adam Hitchcock, formerly of the Obama White House, now with Guggenheim Partners and **Sarah Kammerer**, Romney campaign alum, now with Susan Crown Exchange, were married Friday at a Chicago courthouse. The newlyweds kept everyone in the dark, alerting only their parents and choosing the five-year anniversary of when they met at the NATO summit in Chicago as their wedding date. **Pic** <http://bit.ly/2rq66zC> (h/t Kevin Madden)

-- Kasia Witkowski and **Joshua Kagan** were married last night in Washington at Toolbox Studio in Dupont Circle. Sen. Chris Coons (D-Del.) officiated the wedding -- the

couple met on his 2010 campaign. Kasia worked in intergovernmental and external affairs at HHS, and now works at Hewlett Packard in D.C.. Josh works at Hargrove Inc., and has worked on the last two Democratic conventions. The couple departed down the aisle to "Fight Song," the song of choice for HFA 2016. **Pics** <http://politi.co/2q94oxP> ... <http://politi.co/2qKVyYM> ... <http://politi.co/2qHDKQA>

"Jennifer Cizner, Jeffrey Amsel" - N.Y. Times: "Ms. Cizner, 39, is the chief operating officer at the Chicago Council on Global Affairs, a programming and research center in Chicago. She worked in the Obama administration in the Office of Presidential Personnel from 2009 to 2011, and became the deputy chief of staff. She graduated from the University of Michigan. ... Mr. Amsel, 46, is the vice president for global strategic sourcing and real estate at HERE Technologies, an information technology company in Chicago. He graduated from Ohio State and received an M.B.A. from Loyola University Chicago. ... The couple met in 2014 on JDate." <http://nyti.ms/2rFOLPA>

-- **"Michelle Ker, Jacob Locke"**: "Ms. Ker, 27, works in Washington as an economics and trade policy analyst at the U.S.-China Economic and Security Review Commission. She graduated from the University of North Carolina at Chapel Hill and received a master's degree in international affairs from George Washington University. ... Mr. Locke, 28, is an analyst at the Pentagon in Arlington, Va. He graduated from American University, from which he also received a master's degree in international affairs. ... The couple met in 2010 while volunteering at a Washington nonprofit dedicated to education for nomadic people." **With pic** <http://nyti.ms/2qHKr58>

-- **"Amanda Erickson, John Davisson"**: "The couple met at Columbia, from which they graduated. Ms. Erickson, 29, is a foreign affairs reporter for The Washington Post. ... Mr. Davisson, 31, is a lawyer in Washington for the Electronic Privacy Information Center, a public interest research center. He received a law degree, magna cum laude, from Georgetown." <http://nyti.ms/2qKOMvM>

BIRTHDAYS: Mosheh Oinounou, EP for CBSN ... Sen. Al Franken (D-Minn.) is 66 ... Politico alum Gillian Reagan ... Mike Viqueira, an Al Jazeera America and NBC alum, is 57 ... Reilly Balderston ... AP's Deb Riechmann, a Jayhawk ... Michael Gartland, City Hall reporter for the NY Post ... Rebecca Leber, Mother Jones reporter ... Tom Allon, City and State CEO, is 55 ... Fred Frommer, head of the sports biz practice at Dewey Square and an AP alum ... Joshua Henne of White Horse Strategies ... Beth Dozoretz ... Steven Newmark ... Bill Black ... Abigail P. Gage ... Jeffrey Kluger, editor at large at TIME (hat tips: Jon Haber) ... Doug Randall ... Krista Ritacco ... Politico's Ross Rattanasena ... Lacey Rose, press sec for Sen. Elizabeth Warren (h/t Alexis Krieg) ... former Rep. Tom Feeney (R-Fla.) is 59 ... former Sen. George LeMieux (R-Fla.) is 48 ...

... **Jeffrey Toobin** is 57 ... Rachel Bayens, partner at Government Strategies in Frankfort, Ky. (hubby tip: Dan) ... CNBC's Steve Liesman is 54 ... Darin McKeever is 43 ... Baupost Group's Seth Klarman is 6-0 ... Politico alum Maria Devarakonda, now at Discovery Communications ... Rebecca "B" Shaw, deputy chief of staff and LD for Rep. Chris Gibson (R-NY) ... Hampton Cokeley ... Brandon Pollak, head of global affairs at

1776, is 37 (h/t Peter Cherukuri) ... Anna Smith Lacey, executive director of the Hungary Initiatives Foundation ... Erika Paola Gutierrez ... Jessica Lahey ... Mary Ann Gomez ... Ken Herman ... Lani Miller ... Emily Bucci ... Jennifer Treat ... Susan Hansen ... Kathryn Carlson, founder/creator of the wonderful Buca Boot ... Robert Opacki (h/ts Teresa Vilmain)

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***** **A message from JPMorgan Chase & Co.:** With more than \$50 million invested in community development efforts in Detroit, JPMorgan Chase has helped leverage an additional \$147 million in outside capital to revitalize Detroit's neighborhoods - creating or preserving more than 800 units of housing, 800 jobs and 176,000 square feet of commercial space. Learn more: <http://politi.co/2qBfEaT> *****

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Subject: Trump budget request maintains steep EPA cuts

By Alex Guillén

05/23/2017 11:19 AM EDT

The Trump administration's proposed budget calls for slashing EPA's funding for fiscal 2018 by 31 percent, the most severe cut of any major federal agency.

The budget would see EPA's funding drop to just over \$5.6 billion, down from the \$8.2 billion EPA ultimately got for fiscal 2017, in line with the figures the administration issued in its previous "skinny" budget.

Only a few areas would see modest budget increases, such as the State Revolving Funds that make low-interest loans for water infrastructure projects and a chemical review program that is expanding to keep pace with last year's overhaul of the Toxic Substances Control Act.

But almost every other EPA office would face significant cuts that have already been criticized by lawmakers from both parties. Those cuts target climate change-related programs, hundreds of millions of dollars' worth of state grants, regional water cleanup efforts in places like the Chesapeake Bay and the Great Lakes and the agency's enforcement efforts.

Appropriators on the Hill have expressed skepticism that Congress will cut EPA's budget as deeply as the White House is requesting.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/05/trump-budget-request-maintains-steep-epa-cuts-088032>

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Subject: BREAKING NEWS: Trump administration unveils fiscal 2018 budget

President Donald Trump has laid out his fiscal 2018 budget request, calling for \$668 billion in defense spending, coming in \$22 billion above current levels.

The document lays out \$479 billion for non-defense programs, which amounts to \$57 billion less than current spending. The White House has proposed slashing funding for all federal departments besides DoD, Veterans Affairs and Homeland Security.

Read more: <http://www.politico.com/story/2017/05/23/trump-administration-unveils-fiscal-2018-budget-238723>

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EHS Federal Regulatory Alert

May 23, 2017 - Number 98

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Summaries

AIR

CASAC Sulfur Oxides Panel Meeting

AIR

Notice of the EPA Science Advisory Board announces a meeting of the Clean Air Scientific Advisory Committee (CASAC) and the CASAC Sulfur Oxides Panel. The agenda includes discussion of the EPA's integrated science assessment for sulfur oxides-health criteria (second external review draft–December 2016). The meeting is scheduled for June 20, 2017, via teleconference. Comments are due June 13, 2017. Contact: Tom Long; EPA Office of Research and Development; 919-541-1880; long.tom@epa.gov

82 FR 23563 (05/23/2017)

Regulatory Update

AIR

Texas/Clean Air Act Consent Decree

AIR

Notice of the Department of Justice announces a proposed consent decree in *United States v. Vopak Terminal Deer Park Inc.* (Civil Action No.: 4:17-cv-1518), lodged May 17, 2017, with the U.S. District Court for the Southern District of Texas. The consent decree addresses allegations that the defendants violated new source performance standards, national emission standards for hazardous air pollutants, operating permit requirements, the state implementation plan and the facility's operating permit at a bulk chemical storage tank facility located on the Houston Ship Channel. The consent decree requires the defendants to pay \$2.5 million in civil penalties and \$40,000 in attorney's fees. The consent decree also requires the defendants to construct and operate emission controls at its wastewater treatment system, to implement an advanced tank inspection program at its tank terminal, to engage a third-party auditor to review their waste minimization practices and monitor compliance with the settlement, and to undertake various measures to bring the facility into compliance. Comments are due June 22, 2017. Contact: DOJ, Environment and Natural Resources Division; 202-514-2701

82 FR 23595 (05/23/2017)

Regulatory Update

ENDANGERED SPECIES

Alaska/Unalaska Dock Replacement Marine Mammals Incidental Take
ENDANGERED SPECIES

Notice of the National Oceanic and Atmospheric Administration, National Marine Fisheries Service, announces the issuance of an incidental harassment authorization to the city of Unalaska, Alaska, to take marine mammals incidental to construction activities as part of a dock expansion project at the existing Unalaska Marine Center. The authorization allows take in the form of Level B harassment, specified as disturbance of a marine mammal by causing disruption in behavioral patterns, of the harbor seal, humpback whale, killer whale and Steller sea lion. The authorization is effective April 28, 2017, through April 27, 2018. Contact: Jolie Harrison; NMFS, Office of Protected Resources; 301-427-8401

82 FR 23534 (05/23/2017)

Regulatory Update

ENDANGERED SPECIES

North Carolina/Red Wolf Nonessential Experimental Population
ENDANGERED SPECIES

Advance notice of proposed rulemaking of the U.S. Fish and Wildlife Service would amend regulations under 50 CFR 17 to revise the nonessential experimental population (NEP) designation of red wolves (*Canis rufus*) in Dare County, N.C. The proposed rule would change the goal of the current NEP project from solely that of establishing a self-sustaining wild population to a goal of also supporting viability of the captive wolves of the red wolf breeding program. The rule also would authorize the movement of animals between the captive and wild populations in order to increase the number of wolves in the captive-breeding program and maintain genetic diversity for both captive and wild wolves and provide for the management of captive wolves and the NEP as one single meta-population. The notice also announces the intention of the USFWS to prepare an environmental review under the National Environmental Policy Act. The USFWS seeks comments on population management tools and strategies, take provisions, and contribution of the NEP to recovery goals as well as environmental impacts of the proposed revision. Meetings are scheduled for June 6 and 8, 2017, in Swan Quarter and Manteo, N.C., respectively. Comments are due July 24, 2017. Contact: Pete Benjamin; USFWS, Raleigh Ecological Services Field Office; 919-856-4520

82 FR 23518 (05/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Biomass Research and Development Technical Advisory Committee
GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Energy, Office of Energy Efficiency and Renewable Energy,

announces a meeting of the Biomass Research and Development Technical Advisory Committee. The tentative agenda includes updates concerning the Department of Agriculture and DOE biomass research and development activities. The tentative agenda also includes discussion of near-term motivations for and benefits of accelerated development of a bio-based economic engine. The meeting is scheduled for June 15-16, 2017, in Arlington, Va. Comments may be submitted at any time. Contact: Mark Elless; DOE, Office of Energy Efficiency and Renewable Energy; 410-997-7778; Mark.Elless@EE.Doe.Gov

82 FR 23559 (05/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Biomass Research and Development Technical Advisory Committee

GENERAL ENVIRONMENT AND SAFETY

Notice of the Department of Energy, Office of Energy Efficiency and Renewable Energy, announces a request for nominations for membership on the Biomass Research and Development Technical Advisory Committee. The committee advises the DOE and the Department of Agriculture points of contact regarding the Biomass R&D Initiative and priority technical biomass R&D needs and makes recommendations to the Biomass R&D Board. Nominations are due June 30, 2017. Contact: Mark Elless; DOE, Office of Energy Efficiency and Renewable Energy; 202-586-1476; Mark.Elless@ee.doe.gov

82 FR 23558 (05/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Cosmetic Labeling Requirements

GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the FDA to seek OMB approval for a continuing information collection request concerning four cosmetic labeling requirements (21 CFR 701). The collection addresses requirements that cosmetic products bear a declaration of ingredients in descending order of predominance; a statement of the identity of the product; the name and place of business of the manufacturer, packer or distributor; and the net quantity of contents of the product. Comments are due July 24, 2017. Contact: Ila Mizrahi; FDA, Office of Operations; 301-796-7726; PRASStaff@fda.hhs.gov

82 FR 23576 (05/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Drug and Biological Products/User Fee Waivers, Reductions and Refunds

GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Food and Drug Administration to seek OMB approval for a continuing information collection request concerning a guidance for industry regarding user fee waivers, reductions and refunds for drug and biological products. The collection addresses the

types of waivers and reductions permitted under the Food, Drug and Cosmetic Act and specifies the procedures for submitting requests for waivers or reductions. The collection also addresses user fee exemptions for orphan drugs. The notice specifies that the Small Business Administration intends to submit a revised burden estimate to the OMB due to a processing change that requires waiver applicants to submit documentation directly to the FDA. Comments are due July 24, 2017. Contact: JonnaLynn Capezzuto; FDA, Office of Operations; 301-796-3794

82 FR 23581 (05/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

FDA Advisory Committee Nominations

GENERAL ENVIRONMENT AND SAFETY

Notice of the Food and Drug Administration announces the submission of a new information collection request to the OMB regarding the nominations process for FDA advisory committees. The collection addresses the advisory committee membership application, an online portal to apply for academician/practitioner, consumer representative and industry representative membership types. Comments are due June 22, 2017. Contact: Jonnalynn Capezzuto; FDA, Office of Operations; 301-796-3794; PRAStaff@fda.hhs.gov

82 FR 23583 (05/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Michigan/Boyne River Dam Hydroelectric Project

GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Energy Regulatory Commission announces the filing of a notice of intent to file a license application and a request to use the traditional licensing process for the Boyne River Dam Hydroelectric Project on the Boyne River in Charlevoix County, Mich. The project is proposed by Boyne USA Inc., of Boyne Falls, Mich. The notice specifies that the agency is initiating consultation with the U.S. Fish and Wildlife Service regarding joint agency requirements. Contact: Chelsea Hudock; FERC; 202-502-8448; chelsea.hudock@ferc.gov

82 FR 23561 (05/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

NAFTA Modernization

GENERAL ENVIRONMENT AND SAFETY

Notice of the Office of the U.S. Trade Representative seeks comments on the proposed modernization and renegotiation of the North American Free Trade Agreement (NAFTA) with Canada and Mexico. The notice requests information on general and product-specific negotiating objectives, economic costs and benefits to U.S. producers and consumers of removal of tariffs, treatment of specific goods, customs and trade facilitation issues, and possible modifications to rules of origin or origin procedures. The notice also requests information on unwarranted

sanitary and phytosanitary measures and technical barriers to trade imposed by Canada and Mexico. In addition, the notice requests information on barriers to trade in services and issues related to digital trade, investment, government procurement, the environment and labor. Finally, the notice requests information on competition-related matters, issues relevant to small and medium-sized businesses, and state-owned enterprises. A hearing is scheduled for June 27, 2017, in Washington, D.C. Comments are due June 12, 2017. Contact: Yvonne Jamison; USTR; 202-395-3475

82 FR 23699 (05/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Postmarketing Periodic Safety Reports

GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Food and Drug Administration to seek OMB approval for a revised information collection request regarding the International Conference on Harmonisation's (ICH) Periodic Benefit-Risk Evaluation Report (PBRER). The PBRER provides a common standard for periodic postmarketing safety reporting on approved drugs or biologics among the ICH regions. The revisions reflect a Nov. 29, 2016, guidance for industry (81 FR 85976) that describes the conditions under which the FDA will exercise its waiver authority to permit applicants to submit an ICH PBRER in lieu of an ICH periodic safety update report, a U.S. periodic adverse drug experience report or a U.S. periodic adverse experience report to satisfy periodic safety reporting requirements. Comments are due July 24, 2017. Contact: Domini Bean; FDA, Office of Operations; 301-796-5733; PRASStaff@fda.hhs.gov

82 FR 23578 (05/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Prescription Drug Advertisements

GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Food and Drug Administration to seek OMB approval for a continuing information collection request regarding requirements for prescription drug and biological product manufacturers, packers and distributors to disclose in advertisements certain information about the advertised product's uses and risks (21 CFR 202.1). The collection addresses requirements regarding disclosures, waiver requests, prior approval of advertisements and programs for assuring significant new adverse information about the drug is publicized promptly and adequately to the medical profession. Comments are due July 24, 2017. Contact: JonnaLynn Capezzuto; FDA, Office of Operations; 301-796-3794

82 FR 23574 (05/23/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Strategic National Stockpile/Labeling Requirement Exceptions and Alternatives

GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the Food and Drug Administration to seek OMB approval for a continuing information collection request regarding exceptions or alternatives to labeling requirements for products held by the Strategic National Stockpile (SNS) during national health emergencies. The collection addresses requirements for SNS officials or entities that manufacture, distribute or store SNS products to submit to an FDA center director a written request for exceptions or alternatives to labeling requirements for human drug products, biological products, medical devices and in vitro diagnostic products for human use (21 CFR 201.26, 610.68 and 809.11). The collection also addresses requirements for manufacturers to report changes to the new drug applications, biologics license applications, premarket approval applications or premarket notifications to the FDA if the request is granted. Comments are due July 24, 2017. Contact: Jonnalynn Capezzuto; FDA, Office of Operations; 301-796-3794; PRASStaff@fda.hhs.gov

82 FR 23584 (05/23/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Entry-Level Commercial Motor Vehicle Operators Training

HAZARDOUS MATERIALS TRANSPORTATION

Final rule of the Federal Motor Carrier Safety Administration delays until June 5, 2017, the effective date of a final rule (81 FR 88732; 12/08/2016) that amends regulations under 49 CFR 383.51, 383.71, 383.73 and 384.301 and adopts regulations under 49 CFR 380.600 through 380.609 (Subpart F), 380.700 through 380.725 (Subpart G), 384.230 and 384.235 to revise training requirements for entry-level operators of commercial motor vehicles in interstate and intrastate operations who are required to possess a commercial driver's license. The agency previously delayed (82 FR 14476; 03/21/2017) the effective date until May 22, 2017. Contact: Richard Clemente; FMCSA, Driver and Carrier Operations Division; 202-366-4325; MCPSD@dot.gov

82 FR 23516 (05/23/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Federal Mine Safety and Health Review Commission Meeting

OCCUPATIONAL SAFETY AND HEALTH

Notice of the Federal Mine Safety and Health Review Commission announces a meeting to consider Secretary of Labor v. Pocahontas Coal Co. LLC (Docket No. WEVA 2014-395-R) regarding whether the judge erred in concluding that the Mine Safety and Health Administration had established that a pattern of violations existed at the operator's mine. The meeting is scheduled for June 15, 2017, in Washington, D.C., and via teleconference. Contact: Emogene Johnson; FMSHRC; 202-434-9935

82 FR 23571 (05/23/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Nationally Recognized Testing Laboratories/Curtis-Strauss
OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces the receipt of an application from Curtis-Strauss LLC, of Littleton, Mass., for expansion of its recognition as a nationally recognized testing laboratory under 29 CFR 1910.7. The expansion would add one test standard to the applicant's existing scope of recognition. Comments are due June 7, 2017. Contact: Kevin Robinson; OSHA, Directorate of Technical Support and Emergency Management; 202-693-2110; robinson.kevin@dol.gov

82 FR 23611 (05/23/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH
Portable Fire Extinguishers/Hydrostatic Testing
OCCUPATIONAL SAFETY AND HEALTH

Notice announce the intention of OSHA to seek OMB approval for a continuing information collection request regarding the hydrostatic testing requirements of the portable fire extinguishers standard for general industry (29 CFR 1910.157). The collection addresses requirements to maintain testing certification records that include the date of the inspection, the signature of the tester, and the serial number of the tested equipment. Comments are due July 24, 2017. Contact: Theda Kenney; OSHA; 202-693-2222

82 FR 23609 (05/23/2017)

Regulatory Update

OIL AND GAS INDUSTRY
Gas Pipeline Advisory Committee Meeting
OIL AND GAS INDUSTRY

Notice of the Pipeline and Hazardous Materials Safety Administration announces a meeting of the Gas Pipeline Advisory Committee. The meeting will include discussion of an April 8, 2016, proposed rule (81 FR 20722) concerning standards for onshore gas transmission and gathering pipelines. The meeting is scheduled for June 6-7, 2017, in Arlington, Va. Comments are requested, but a due date is not specified. Contact: Cheryl Whetsel; PHMSA; 202-366-4431; cheryl.whetsel@dot.gov

82 FR 23714 (05/23/2017)

Regulatory Update

RADIATION
Environmental Management Advisory Board/Oak Ridge Reservation
RADIATION

Notice of the Department of Energy announces a meeting of the Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation. The board makes recommendations to DOE-EM and site management in the areas of environmental restoration, waste management and related activities. The agenda includes comments from the deputy designated federal officer (DDFO) and

various governmental agency liaisons and a presentation on key materials disposition activities. The agenda also includes discussion of the status of outstanding recommendations and the alternate DDFO report and committee reports. The meeting is scheduled for June 14, 2017, in Oak Ridge, Tenn. Comments are requested, but a due date is not specified. Contact: Melyssa Noe; DOE, Oak Ridge Office of Environmental Management; 865-241-3315; Melyssa.Noel@oreo.doe.gov

82 FR 23560 (05/23/2017)

Regulatory Update

WATER

New York/Lower Niagara River Safety Zone

WATER

Final rule of the U.S. Coast Guard adopts regulations under 33 CFR 165.902 to establish a permanent safety zone within the Captain of the Port Zone Buffalo on the lower Niagara River, in Niagara Falls, N.Y. The safety zone is necessary to protect the public and vessels from the hazards associated with the heavy rapids in the narrow waterway of the lower Niagara River. The rule restricts vessels from a portion of the lower Niagara River considered not navigable as listed in the U.S. Coast Pilot Book 6. The rule is effective June 22, 2017. Contact: Michael Collet; USCG, Sector Buffalo; 716-843-9322; sectorbuffalomarinesafety@uscg.mil

82 FR 23514 (05/23/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 5/23/2017 12:25:01 PM
Subject: [SPAM] May 23 -- EHS State Regulatory Alert



EHS State Regulatory Alert

May 23, 2017 - Number 98

You can create a report customized by topic, jurisdiction, and date range by using the [Regulatory Summaries Report Tool](#). The report can be generated in Excel, Word, or PDF.

California

HAZARDOUS WASTE MANAGEMENT

Used Oil Recycling Program

California HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Resources Recycling and Recovery amends regulations under 14 CCR 18600 through 18656.0 (nonconsecutive); adopts regulations under 14 CCR 18651.10, 18657.0 and 18657.1; and repeals regulations under 14 CCR 18615 through 18659.5 (nonconsecutive) regarding the used oil recycling program. The rule requires sellers of lubricating oil in volumes of 100 gallons or greater to inform their customers what entity paid the initial oil fee to CalRecycle for the volume of oil being sold. The rule also revises requirements for refunds, manifest receipts, advertising and operational procedures for certified collection centers. In addition, the rule establishes procedures for the certification of used oil refining facilities, registration of out-of-state used oil recycling facilities, filing and processing of rerefined oil incentive claims, and appeals. Finally, the rule updates definitions and references. The rule is effective July 1, 2017. Contact: Ron Darbee; DRRR; 916-341-6695; Ron.Darbee@calrecycle.ca.gov

—California Regulatory Notice Register (05/19/2017)

Regulatory Update

OIL AND GAS INDUSTRY

Underground Gas Storage Projects

California OIL AND GAS INDUSTRY

Proposed rule of the Department of Conservation adopts regulations under 14 CCR 1726 through 1726.10 and repeals regulations under 14 CCR 1724.9 concerning underground gas storage (UGS) projects. The rule establishes well construction standards and mechanical integrity testing requirements for gas storage wells and standards and specifications for risk management plans and emergency response plans for UGS projects. The rule also establishes standards and specifications for UGS project data requirements, including protocols for operators' retention and management of records. In addition, the rule specifies monitoring and inspection requirements for gas storage wells and UGS projects and standards and specifications for inspection, testing

and maintenance of wellheads and valves. Finally, the rule establishes protocols for the decommissioning of UGS projects and addresses well reporting and response requirements. Hearings are scheduled for July 10 and 12, 2017, in Sacramento and Los Angeles, respectively. Comments are due July 13, 2017. Contact: Tim Shular; Department of Conservation; 916-322-3080; DOGGR_GasStorageRegs@conservation.ca.gov

—California Regulatory Notice Register (05/19/2017)

Regulatory Update

TOXIC SUBSTANCES

Safe Drinking Water and Toxic Enforcement Act/Glyphosate California TOXIC SUBSTANCES

Notice of the Office of Environmental Health Hazard Assessment announces a hearing on and extension of the comment period for an April 7, 2017, proposed rule to amend regulations under 27 CCR 25705(b) to adopt a no significant risk level of 1,100 micrograms per day for the herbicide glyphosate (CAS No. 1071-83-6) under the Safe Drinking Water and Toxic Enforcement Act (Proposition 65). The hearing is scheduled for June 7, 2017, in Sacramento. Comments now are due June 21, 2017. Contact: Esther Barajas-Ochoa; OEHHA; 916-322-2068; esther.barajas-ochoa@oehha.ca.gov

—California Regulatory Notice Register (05/19/2017)

Regulatory Update

TOXIC SUBSTANCES

Safe Drinking Water and Toxic Enforcement Act/Notices of Violation California TOXIC SUBSTANCES

Proposed rule of the Office of Environmental Health Hazard Assessment amends regulations under 27 CCR 25903 and Appendices A and B regarding the content required in notices of violation served on alleged violators of the Safe Drinking Water and Toxic Enforcement Act (Proposition 65). The rule relocates the special compliance procedure proof of compliance form to Appendix B to clarify that this special procedure is only required for specified exposures and need not be included with all notices of violation. Hearing requests are due June 19, 2017. Comments are due July 3, 2017. Contact: Monet Vela; OEHHA; 916-323-2610; monet.vela@oehha.ca.gov

—California Regulatory Notice Register (05/19/2017)

Regulatory Update

TOXIC SUBSTANCES

Safe Drinking Water and Toxic Enforcement Act/Styrene California TOXIC SUBSTANCES

Final rule of the California EPA, Office of Environmental Health Hazard Assessment, amends regulations under 27 CCR 25705 regarding specific regulatory levels for chemicals posing no significant risk of cancer under the Safe Drinking Water and Toxic Enforcement Act (Proposition 65). The rule adopts a no significant risk level of 27 micrograms per day for styrene, which is

used in construction materials, fiberglass, automobile parts, synthetic rubbers, lighting fixtures, packaging materials and disposable food containers. The rule is effective July 1, 2017. Contact: Esther Barajas-Ochoa; OEHHA; 916-322-2068; esther.barajas-ochoa@oehha.ca.gov

—California Regulatory Notice Register (05/19/2017)

Regulatory Update

TOXIC SUBSTANCES

Safe Use Determination/Diisononyl Phthalate
California TOXIC SUBSTANCES

Notice of the Office of Environmental Health Hazard Assessment announces the receipt of a request for a safe use determination as provided under the Safe Drinking Water and Toxic Enforcement Act (Proposition 65) for diisononyl phthalate (DINP) in Interface GlasBac® and GlasBac® RE modular carpet tile. The request, submitted by Interface Inc., asks the agency to determine that exposures to DINP in the carpet tile do not present significant cancer risks and do not require a warning. Hearing requests are due June 5, 2017. Comments are due June 19, 2017. Contact: Michelle Ramirez; OEHHA; 916-445-6900; Michelle.Ramirez@oehha.ca.gov

—California Regulatory Notice Register (05/19/2017)

Regulatory Update

Florida

WATER

Innovative Nutrient and Sediment Reduction and Conservation Pilot Project Program
Florida WATER

Notice of the Department of Environmental Protection announces a change to a March 17, 2017, proposed rule to adopt regulations under FAC 62-570.100, .200 and .300 to establish procedures for participation in the Innovative Nutrient and Sediment Reduction and Conservation Pilot Project program. The program funds pilot projects to test the effectiveness of innovative or existing nutrient reduction or water conservation technologies, programs or practices designed to minimize nutrient pollution or restore flows in state bodies of water. The rule also sets forth provisions concerning definitions, general program requirements and project selection criteria. The change revises general program requirements to specify that solicitations for proposals by the department will specify the weight to the criteria for ranking proposals received. Contact: Kate Merchant; DEP, Division of Water Restoration Assistance; 850-245-2952

—Florida Administrative Weekly (05/19/2017)

Regulatory Update

WATER

Southwest Florida WMD/Minimum Flows for the Crystal River/Kings Bay System
Florida WATER

Notice announces the intention of the Southwest Florida Water Management District to amend regulations under FAC 40D-8.041 to establish minimum flows for the Crystal River/Kings Bay System in Citrus County. A comment due date is not specified. Contact: Melissa Gulvin; SWFWMD; 352-796-7211; melissa.gulvin@watermatters.org

—Florida Administrative Weekly (05/19/2017)

Regulatory Update

Massachusetts

COASTAL ZONE

Ocean Sanctuaries

Massachusetts COASTAL ZONE

Proposed rule of the Department of Conservation and Recreation repeals regulations under 302 CMR 5.00 to reflect the transition of authority over ocean sanctuaries from the department to the Executive Office of Energy and Environmental Affairs' Office of Coastal Zone Management. Comments are due June 23, 2017. Contact: Robert Boeri; EOEEA, Office of Coastal Zone Management; 617-626-1200; Robert.Boeri@state.ma.us

—Massachusetts Register (05/19/2017)

Regulatory Update

COASTAL ZONE

Office of Coastal Zone Management/Ocean Sanctuaries

Massachusetts COASTAL ZONE

Proposed rule of the Executive Office of Energy and Environmental Affairs, Office of Coastal Zone Management, amends regulations under 301 CMR 27.00 to reflect the transition of authority over ocean sanctuaries from the Department of Conservation and Recreation to the Office of Coastal Zone Management. Comments are due June 23, 2017. Contact: Robert Boeri; EOEEA, Office of Coastal Zone Management; 617-626-1200; Robert.Boeri@state.ma.us

—Massachusetts Register (05/19/2017)

Regulatory Update

West Virginia

GENERAL ENVIRONMENT AND SAFETY

Practice of Public Health Sanitation

West Virginia GENERAL ENVIRONMENT AND SAFETY

Final rule of the State Board of Sanitarians amends regulations under 20 WVCSR 4 regarding the practice of public health sanitation. The rule specifies that for the renewal of a permit, certificate or license, applicants have an additional 60 days in which to acquire continuing education for the calendar year. The rule also requires payment of a \$50 late fee. The rule is effective May 16, 2017. Contact: Office of Environmental Health Services, State Board of Sanitarians; 304-356-4328

—West Virginia Register (05/19/2017)

Regulatory Update

Wyoming

OCCUPATIONAL SAFETY AND HEALTH

Practice and Procedure/Enforcement

Wyoming OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Workforce Services, OSHA Commission, amends regulations under Chapter 3 regarding practice and procedure and enforcement. The rule increases penalty fees and incorporates by reference federal penalties, as of July 1, 2016. The rule also updates terminology and makes editorial revisions. The rule is effective May 16, 2017. Contact: Marcia Price; DWS; 307-777-6746; marcia.price@wyo.gov

—Wyoming Regulations (05/18/2017)

Regulatory Update

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EHS State Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA.com
Sent: Tue 5/23/2017 11:15:05 AM
Subject: The Morning Headlines from InsideEPA.com -- May 23, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

May 23, 2017

Latest News

Experts Say Eased Vehicle GHG Rules May Threaten Domestic Automakers

The Trump administration's decision to revisit EPA's vehicle greenhouse gases regulations carries potential risks for long-term competitiveness of automakers and auto part suppliers, according to several technology experts and economists who say the current standards help to make U.S. goods more competitive abroad.

DOJ Seeks To Stay Suit On Trump's 2-For-1 Order Pending Legal Findings

The Justice Department (DOJ) is urging a federal district court to stay litigation filed by environmentalists and others challenging the legality of President Donald Trump's executive order (EO) that requires EPA and other agencies to identify two rules to repeal for every new rule issued until threshold jurisdictional and other legal issues are resolved.

Pruitt Creates EPA Task Force To Streamline, Overhaul Superfund Cleanups

EPA Administrator Scott Pruitt is creating a task force of agency officials to provide him within 30 days detailed recommendations on how to streamline and overhaul the Superfund program, following on his recent decision to remove from regional offices some decisionmaking authority on cleanups.

Environmentalists Claim 'Exceptional Events' Rule Will Boost Air Pollution

Environmentalists in a new legal filing claim that Obama-era changes to EPA's rule on when air pollution associated with "exceptional" events such as wildfires can be exempted from states' Clean Air Act compliance will boost emissions levels by "vast amounts," and are urging a federal appeals court to narrow the allowable exemptions.

Industries Seek Host Of EPA CERCLA Policy Changes To Speed Cleanups

Major industry groups that are liable for hazardous waste releases are urging EPA to ease its Superfund cleanup requirements, set deadlines for making cleanup decisions and make a host of other changes to the program's policy documents as part of its broad review of existing measures, signaling support for changes that could help

achieve Administrator Scott Pruitt's goal of speeding cleanups.

Waste Generators Urge EPA To Narrow RCRA Corrective Action Program

A group representing industry parties subject to EPA waste rules is urging the agency to rescind or revise various components of its Resource Conservation & Recovery Act (RCRA) program and to significantly pare back its RCRA corrective action program, urging the agency to shift a host of manufacturing sites currently regulated under an "interim" status by the program to Superfund or state cleanups.

EPA Plan To Scrap Pesticide Rules Threatens Alliance Seeking Funding Bill

Farmworker representatives are threatening to pull out of a long-standing coalition with industry that helps secure federal funds for streamlined EPA pesticide registrations if the Trump administration follows through on plans to scrap agency pesticide programs and scale back Obama-era rules for reducing farmworkers' exposures to pesticides.

Daily Feed

Carper presses Pruitt for enforcement data

The data Carper is seeking could play a role in the confirmation of EPA enforcement nominee Susan Bodine.

NAS panel slated to review coal mines' health impacts

The panel is seeking to resolve contradictory findings on whether surface coal mining in Central Appalachia is harmful to human health.

Our most read: Pruitt (now and then), Bodine nomination, other personnel issues

Some think Pruitt has sights on higher office. Plus, Bodine's nomination, Pruitt's centralization of Superfund decision-making and more.

White House seeks to block release of ethics waivers

The White House is questioning whether EPA and other agencies are required to turn over information on ethics waivers they have granted that allow former lobbyists to work on regulatory matters they previously advocated on.

Ewire: A daily news roundup

President Trump's EPA transition chief laments the administration's progress in implementing deregulatory agenda and campaign promises. Plus: oil and gas industry is already seeing benefits from Pruitt's EPA.

EPA offers support for expanded CWA integrated plans

The Trump EPA is offering support for integrated wastewater and stormwater planning, suggesting regional offices could be open to including the plans in water permits.

Read all the latest EPA news, analysis and documents →

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Wed 6/21/2017 5:04:14 PM
Subject: Playbook Power Briefing, presented by Starbucks: SCALISE listed in FAIR condition --
TONIGHT: Congressional women's softball game -- DEMS try to rally demoralized troops after Georgia --
SPOTTED at the Iraqi ambassador's house

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Today's Playbook Power Briefing presented by Starbucks

By ANNA PALMER (anna@politico.com; [@apalmerdc](https://twitter.com/apalmerdc)), JAKE SHERMAN (sherman@politico.com; [@JakeSherman](https://twitter.com/JakeSherman)), DANIEL LIPPMAN (daniel@politico.com; [@dlippman](https://twitter.com/dlippman)), ZACH MONTELLARO (zmontellaro@politico.com; [@ZachMontellaro](https://twitter.com/ZachMontellaro))

Good Wednesday afternoon. KEEPING A LIST -- ABC's JON KARL: "ANALYSIS: 25 questions the White House has promised to answer but hasn't"

<http://abcn.ws/2ttjfG0>

REMINDER: The annual Congressional Women's Softball Game is tonight at 7 p.m. at the Watkins Recreation Center in Southeast Washington. Tickets are \$10 and the proceeds go to the Young Survival Coalition. <http://bit.ly/2sPZcEa>

SCALISE UPGRADED -- MedStar Washington Hospital put on at statement at noon saying Rep. Steve Scalise (R-La.) "continues to make good progress. He is now listed in fair condition and is beginning an extended period of healing and rehabilitation."

UPDATE ON THE SHOOTER -- "FBI: Gunman acted alone in shooting of congressman," from the AP: "A gunman acted alone when he shot and wounded a top House Republican and four other people on a northern Virginia baseball field, the FBI said Wednesday. Tim Slater, the special agent in charge of the Washington FBI office, also said during a news conference that James T. Hodgkinson did not have any ties to terrorism. ... The FBI said in a statement the agency is actively investigating him to look at his associates, whereabouts and any activity on social media. Officials also are running a trace on two weapons, including a rifle and a handgun."

<http://apne.ws/2tO3fOi>

A TOUGH JOB -- "DCCC seeks to rally demoralized troops," by Gabe Debenedetti in Atlanta: "Facing fresh criticism from fellow Democrats after a disappointing loss in a Georgia special election, [DCCC] chairman Ben Ray Lujan on Wednesday sought to rally his party by declaring the House of Representatives in play and distributing internal data suggesting a number of incumbent Republicans are in more electoral trouble than widely thought.

"In a nearly 1,600-word Wednesday morning memo to committee staff that was obtained by POLITICO, the New Mexico congressman shared polling conducted

between late March and mid-June showing Democrats in position to make gains in a handful of competitive seats held by Republicans. Explaining that in some cases the pollsters tested specific Democratic challengers against Republican incumbents, Lujan said 'many incumbents -- who won with double digits last cycle -- would be in the race of their careers, including Reps. Martha McSally (D+5), Brian Mast (D+3), Kevin Yoder (D+2), and Rodney Frelinghuysen (D+3).'" <http://politi.co/2rCKSuY> ... **The memo**
<http://politi.co/2sQeHfb>

-- DEM OPERATIVE QUOTE OF THE DAY: "We no longer have a party caucus capable of riding this wave. We have 80-year-old leaders and 90-year-old ranking members. This isn't a party. It's a giant assisted living center. Complete with field trips, gym, dining room and attendants."

***** **A message from Starbucks:** Starbucks is creating opportunities for young adults facing barriers to success, including 4.9 million young Americans who are not working or in school. We've hired 40,000 young men and women and expanded our goal to 100,000 hires by 2020. We're also making it easier to access a tuition-free college degree: <http://sbux.co/2s2gX2g> *****

THANKS, BUT NO THANKS -- "Congressional Black Caucus expected to decline Trump meeting," by Heather Caygle and Theo Meyer: "The Congressional Black Caucus is expected to reject an invitation to meet with President Donald Trump, according to four sources close to the group. The Trump administration, sources said, has done nothing to advance the CBC's priorities since the group's executive board first met with Trump in March. And members are worried the request for a caucus-wide meeting would amount to little more than a photo op that the president could use to bolster his standing among African-Americans. 'No one wants to be a co-star on the reality show,' said one senior Democratic aide. ...

"Lawmakers in the 49-member group each received an invitation last week from Omarosa Manigault, the-reality-TV-star-turned-White-House-aide who has pitched herself as an unofficial liaison to the CBC. ... But multiple CBC members said they were put off that she signed the invitation as 'the Honorable Omarosa Manigault,' saying she hasn't earned that title nor has she helped raise the profile of CBC issues within the White House as promised." <http://politi.co/2sPOJIG>

PIC DU JOUR -- @OfirGendelman (a spokesman for the Israeli prime minister's office): "PM Netanyahu at the start of his meeting with Jared Kushner, @jdgreenblatt45 and US Ambassador to Israel David Friedman." <http://bit.ly/2sQBpE4>

FOGGY BOTTOM WATCH -- JOSH ROGIN in WaPo: **"Top White House aide likely the next ambassador to India":** "A senior official in the White House's National Economic Council will soon be named U.S. ambassador to India, four White House officials confirmed. The move comes as the Indian prime minister plans to visit the Trump White House next week for the first time.

"Kenneth Juster currently serves as the international deputy to NEC Director Gary Cohn. His exit from the White House has been rumored for weeks, amid reports that he clashed with other senior White House officials on trade and economic issues. But now, senior administration officials say his impending appointment to represent Washington in New Delhi is a consensus pick that places a top notch India expert in a crucial diplomatic post. Juster is currently going through a new round of clearances before his appointment can be officially announced." <http://wapo.st/2sQ3bAD>

AFTERNOON READ -- MICHAEL CROWLEY in POLITICO Magazine, **"Why the White House Is Reading Greek History:** The Trump team is obsessing over Thucydides, the ancient historian who wrote a seminal tract on war": "The Trump White House isn't known as a hot spot for Ivy League intellectuals. But last month, a Harvard academic slipped into the White House complex for an unusual meeting. Graham Allison, an avuncular foreign policy thinker who served under Reagan and Clinton, was paying a visit to the Trump National Security Council, where he briefed a group of staffers on one of history's most studied conflicts—a brutal war waged nearly 2,500 years ago, one whose lessons still resonate, even in the administration of a president who doesn't like to read. The subject was America's rivalry with China, cast through the lens of ancient Greece. The 77-year-old Allison is the author of a recent book ['Destined for War: Can America and China Escape Thucydides's Trap?'] based on the writings of Thucydides, the ancient historian famous for his epic chronicle of the Peloponnesian War between the Greek states of Athens and Sparta. ...

"It might seem curious that an ancient Greek would cast a shadow over a meeting between a group of diplomats and generals from America and Asia. Most Americans probably don't know Thucydides from Mephistopheles. But the Greek writer is a kind of demigod to international relations theorists and military historians ... Thucydides is especially beloved by the two most influential figures on Trump's foreign policy team. National security adviser H.R. McMaster has called Thucydides's work an 'essential' military text, taught it to students and quoted from it in speeches and op-eds. [Defense Secretary James] Mattis is also fluent in Thucydides's work. ...

"As for President Donald Trump himself, there's no evidence he's taken any interest in an Athenian historian born almost 500 years before Jesus Christ. (Not that Trump has anything against Greece: 'I love the Greeks. Oh, do I love them,' Trump said at a Greek Independence Day event in March. 'Don't forget, I come from New York -- that's all I see is Greeks, they are all over the place.')" <http://politi.co/2tO1Kj7> ... **\$19.04 on Amazon** <http://amzn.to/2tNVqbC>

WAR REPORT -- "How war brought cholera and polio back to the Middle East," by WaPo's Louis Loveluck: "In Yemen, it is cholera, a bacterial disease spreading so fast, about 160,000 people have been fallen sick since April. In Syria, it is polio, almost two decades after government efforts to eradicate the illness were hailed as a textbook example of a good practice. 'It's easy to think only of trauma cases when you think of war, but the damage it does to infrastructure has even more serious,' said Natalie Roberts, the head of emergency operations for Doctors Without Borders France."

<http://wapo.st/2sQxB5z>

TRUMP INC. -- TIM O'BRIEN in Bloomberg View, "Trump, Russia and a Shadowy Business Partnership: An insider describes the Bayrock Group, its links to the Trump family and its mysterious access to funds. It isn't pretty": "[T]he Bayrock Group ... partnered with the future president and his two eldest children, Donald Jr. and Ivanka, on a series of real-estate deals between 2002 and about 2011, the most prominent being the troubled Trump Soho hotel and condominium in Manhattan. ... 'It's ridiculous that I wouldn't be investing in Russia,' Trump said in [a 2007] deposition. 'Russia is one of the hottest places in the world for investment.' One of Bayrock's principals was a career criminal named Felix Sater who had ties to Russian and American organized crime groups.

"Before linking up with the company and with Trump, he had worked as a mob informant for the U.S. government, fled to Moscow to avoid criminal charges while boasting of his KGB and Kremlin contacts there, and had gone to prison for slashing apart another man's face with a broken cocktail glass. In a series of interviews and a lawsuit, a former Bayrock insider, Jody Kriss, claims that he eventually departed from the firm because he became convinced that Bayrock was actually a front for money laundering." <https://bloom.bg/2rUhS18>

ON THE HILL -- A lot of D.C. was at U2's concert last night, but U2's guitarist **The Edge** also went to the Hill on Tuesday to advocate for federal funding for research linking diet and cancer prevention. ***The Edge with Senate Ag Committee Chair Pat Roberts (R-Kan.)*** <http://bit.ly/2sPYk2c> ... **WaPo Q&A** <http://wapo.st/2sPRARU>

PLAYBOOK METRO SECTION -- "PHOTOS: The New Ben's Chili Bowl Mural," by Washingtonian's Rosa Cartagena <http://bit.ly/2sQhKUI>

HOT CLICK -- NEW GAME OF THRONES TRAILER <http://bit.ly/2sQVqtX>

SPOTTED: Agriculture Secretary Sonny Perdue this morning at the Delta gate in Atlanta. He came up to our tipster carrying an Ossoff sign he was carrying and shook his hand.

OUT AND ABOUT -- Iraqi Ambassador Fareed Yaseen hosted an Iftar dinner last night at his residence in Van Ness. **SPOTTED:** Kuwait Amb. Sheikh Salem al-Sabah (known as the dean of the Arab diplomatic corps), Yemen Amb. Ahmed bin Mubarak, Palestinian Amb. Husam Zomlot (recently profiled by POLITICO Magazine: <http://politi.co/2rCxKWX>), Dr. Merza Hasan, Zainab Allawi, Robin Wright, Alison Hills, Rochdi Younsi, Stephen Rademaker, Dr. Henri Barkey, Nihal Krishan, and Mohamad Shaboot.

WASHINGTON, INC. -- SpeakEasy Political, a San Francisco-based self-service Democratic direct mail platform that uses technology to make campaign mail more affordable, is expanding with the opening of a new D.C. office, led by co-founder

Danielle Winterhalter. Eric Jaye and Bergen Kenny are the company's other co-founders. ***The firm's website*** <http://bit.ly/2rCnCcGZ>

***** **A message from Starbucks:** Starbucks is creating opportunities for young adults facing barriers to success, including 4.9 million young Americans who are not working or in school. We've hired 40,000 young men and women and expanded our goal to 100,000 hires by 2020. These talented, resilient young adults want to be successful and we're also making it easier to access a tuition-free college degree:
<http://sbux.co/2s2gX2g> *****

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Wed 6/21/2017 4:11:36 PM
Subject: BREAKING NEWS: Scalise improves to 'fair' condition, hospital says

House Majority Whip Steve Scalise's condition has been upgraded from "serious" to "fair," his doctors said Tuesday.

"Congressman Steve Scalise continues to make good progress," his doctors at MedStar Washington Hospital Center said in a statement. "He is now listed in fair condition and is beginning an extended period of healing and rehabilitation."

It's another sign that the Louisiana Republican is making progress in recovering from last week's near-fatal gunshot wound.

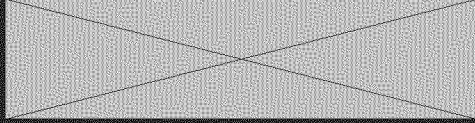
Read more: <http://www.politico.com/story/2017/06/21/scalise-improves-to-fair-condition-hospital-says-239807>

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Washington Post
Sent: Wed 6/21/2017 4:04:14 PM
Subject: [SPAM] Checkpoint: Trump's pick for the No. 2 Pentagon job faces tough questions during confirmation hearing



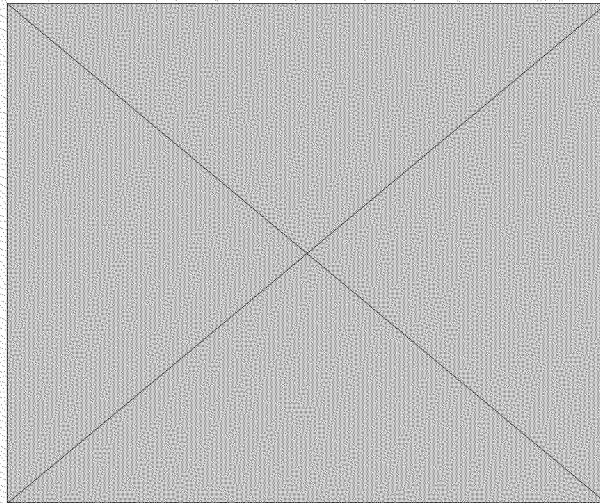
A military blog by Dan Lamothe

Trump's pick for the No. 2 Pentagon job faces tough questions during confirmation hearing

'That's not good enough, Mr. Shanahan,' Sen. John McCain chided Patrick Shanahan at one point.

By Dan Lamothe • [Read more »](#)

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In third shoot-down in a month, U.S. jet destroys another Iranian drone over Syria

It comes two days after a U.S. jet shot down a Syrian fighter aircraft.

By Thomas Gibbons-Neff • [Read more »](#)

A Russian jet came within feet of a U.S. reconnaissance plane, the Pentagon says

The Russian pilot approached at a high speed and had poor control of the aircraft, a U.S. official said.

By Dan Lamothe • [Read more »](#)

7 sailors died aboard the USS Fitzgerald. Here are their stories.

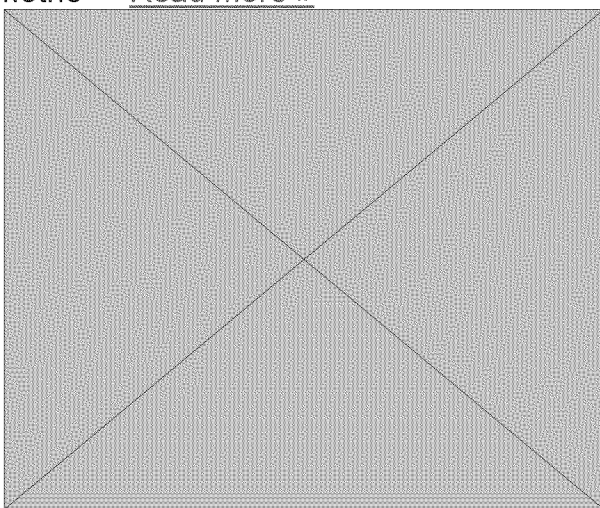
The dead included a 19-year-old firefighter and a 19-year Navy veteran who had been preparing to retire.

By Avi Selk • [Read more »](#)

When Navy ships collide, there is virtually always human error involved

Multiple investigations of the catastrophe aboard the USS Fitzgerald are underway.

By Dan Lamothe • [Read more »](#) ADVERTISEMENT



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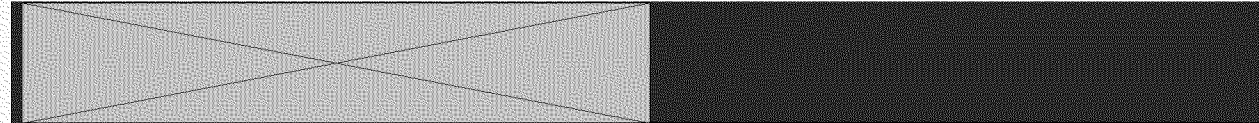
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: The Washington Post
Sent: Wed 6/21/2017 4:00:30 PM
Subject: [SPAM] Federal Insider: New VA law sets stage for government-wide cut in civil-service protections



New VA law sets stage for government-wide cut in civil-service protections

By Joe Davidson

Veterans Affairs Secretary David Shulkin speaks to reporters at a breakfast meeting Tuesday in Washington. (Michael Bonfigli/Christian Science Monitor)

Veterans have been on the vanguard protecting the nation — waging war and securing the peace.

Now those who assist them are on the forefront, serving as guinea pigs testing major changes in civil-service procedures that protect federal employees and taxpayers.

Coupled with earlier revisions in the Defense Department layoff process, the new legislation portends significant and across-the-board civil service changes for the federal workforce.

The latest transformations are in the Department of Veterans Affairs Accountability and Whistleblower Protection Act, which President Trump will sign soon, perhaps this week.

While it weakens civil-service protections for all VA staffers, the legislation reserves its sharpest blows for senior executives. They would no longer be able to appeal adverse actions such as firings, suspensions and demotions to the independent Merit Systems Protection Board (MSPB), a process available to most other feds.

Instead, they would be subjected to a disciplinary process that concentrates power under the VA secretary. Under the legislation, the secretary, currently David Shulkin, would be responsible for accusing workers of misconduct or poor performance, imposing punishment on them and ruling on appeals of

the sentences he determines. ADVERTISEMENT

Shulkin likes that arrangement.

Noting that he will leave much of the process for his nearly 350,000 employees to the regular chain of command, Shulkin said, “I need, as secretary, if I’m going to change this organization, the ability to remove employees that clearly no longer in my view should have the privilege of serving our veterans.”

Rather than making VA, which already has almost 50,000 vacancies, less attractive to workers because of cuts to workplace protections, Shulkin thinks the legislation will “dramatically improve morale” and enhance recruitment, because “there is nothing more demoralizing” than working alongside deadwood, he said.

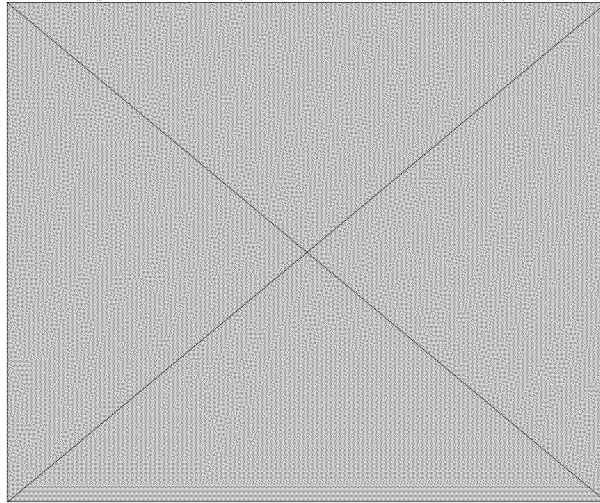
“I do not see this as a tool that will lead to mass firing,” he told reporters at a Tuesday breakfast sponsored by the Christian Science Monitor, but one “for a small number of people.”

Shulkin indicated he wants “to run this organization the way that the private sector runs organizations.”

Taken at face value, this reflects a serious misunderstanding of the role civil-service protections play in government. Private-sector workers generally can be fired on a boss’s whim. Civil-service procedures are designed to protect public employees and the public against just that. The safeguards ensure that political appointees will not act against staffers — and ultimately taxpayers — who do not toe the party line.

“These provisions strike at the heart of the career-run merit based civil service system by empowering the VA Secretary and political appointees to conduct wholesale political firings of VA senior executives” and could help “trigger a return to the spoils system of patronage,” Senior Executives Association President Bill Valdez warned in a letter to Congress.

Shulkin will not turn VA into a political-hack redoubt, but the fear is understandable. The measure does undermine protections for the top level of civil servants, who could be most affected by political pressure.



Pentagon takes VA areas so file family cases, gives better than

Like with the senior executives, the time for other staffers to respond to adverse actions would be cut to seven business days — not much when management can take all the time it needs to build its case. Managers also would have to back their case with “substantial evidence,” a lower standard than a “preponderance of evidence.”

Regular employees, unlike those in the Senior Executive Service, could appeal to a MSPB administrative judge then to the full MSPB. All employees, including senior executives, could appeal to the court system, but that is time-consuming and too expensive for many.

“This law is not about dealing with bad actors,” said J. David Cox Sr., president of the American Federation of Government Employees, which represents many VA staffers. “The VA already has the tools to fire those whom the evidence proves deserve to be fired. Their ultimate goal is to destroy the foundation upon which our non-political, merit-based civil service was created and turn the entire government into an at-will workforce.”

When laying off civilian employees, the Pentagon now considers performance first, ahead of other factors such as seniority.

Jeff Neal, a former chief human-capital officer in the Defense Logistics Agency and the Department of Homeland Security, described the Pentagon change in his [ChiefHRO.com](#) blog as “the biggest shakeup in RIF [reduction in force] in decades.”

If that and VA's new disciplinary procedures prove effective, he added by phone, "I would be very surprised if there is not an effort to expand them to the entire government."

Max Stier, president and chief executive of the Partnership for Public Service, which focuses on federal employment and management issues, cautioned that the VA approach "won't deal with the real issues."

Increased training of managers across government, which the bill does provide for VA, is key, Stier said.

Simply firing feds faster, he added, is not the answer.

Read more:

Law makes VA treat some family caregivers better than others

Will VA chief be voice of reason on climate change and medical marijuana in Trump administration?

Your daily guide to the energy and

VA in 'critical condition, requires intensive care,' but improving, says

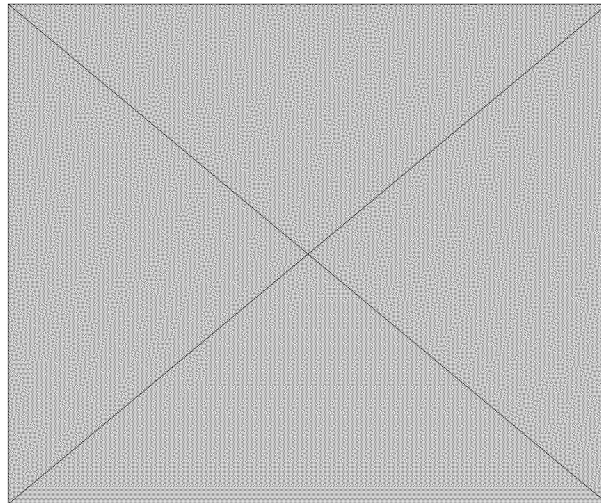
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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro
Sent: Wed 6/21/2017 2:59:49 PM
Subject: WTO members support resumption of talks on green goods trade deal

By Adam Behsudi

06/21/2017 10:56 AM EDT

The United States remained silent at a meeting where Japan, the European Union and even China expressed varying degrees of support for concluding negotiations on a stalled agreement that would cut tariffs on a broad range of green goods.

The statements in support of the Environmental Goods Agreement came at a Tuesday meeting of the World Trade Organization's Committee on Trade and Environment, according to diplomatic sources in Geneva, and marked the first efforts to encourage a resumption of talks, which stalled in December.

At the meeting, Japan, South Korea, New Zealand, Taiwan, Hong Kong and Switzerland called for negotiations to be brought to a swift conclusion. China, which complicated efforts to reach a deal last year, even voiced support for it on Tuesday, saying it would be one way the WTO could contribute to addressing climate change. However, the Chinese delegation cautioned that "common but differential responsibility" among nations must be reflected in a final agreement, diplomatic sources said.

The European Union said Tuesday it was committed to concluding a deal "once circumstances allow us to do so and participants are ready for engaging," sources said.

The EGA talks were halted late last year after the 18 WTO members involved failed to reach a deal on the nature and length of tariff cuts on roughly 300 environmentally friendly goods, like LED light bulbs, oil-spill containment booms and reagents used to test water quality.

After trade ministers failed to reach consensus in December, negotiations went into hibernation amid the change of administration in the U.S.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/06/wto-members-support-resumption-of-talks-on-green-goods-trade-deal-089437>

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 6/21/2017 2:52:24 PM
Subject: Interior outlines regulatory reform plans

By Esther Whieldon

06/21/2017 10:48 AM EDT

The Interior Department has outlined its regulatory review plans, which largely encompass rethinking regulations involving the oil and gas industry.

The notice, which is slated to be published in the Federal Register on Thursday, provides more detail about Interior's ongoing efforts to implement President Donald Trump's regulatory reform goals. Among other steps, the agency said it intends to use more advanced notices of proposed rulemakings "to solicit input on the front end as to how any given regulatory action could be tailored to reduce or eliminate burden."

Interior's regulatory reform task force will review several Obama-era rules on energy development that may be repealed or revised. Stemming from that effort, BLM has already said it will rewrite its hydraulic fracturing rule. Other rules being looked at include BLM's methane waste rule and regulations involving offshore energy development.

The agency also said it is implementing Trump's order that directed agencies to identify two rules for repeal every time a new regulation is adopted.

WHAT'S NEXT: Interior is accepting comments on its reviews but did not set a hard deadline, instead saying it will "review comments on an ongoing basis."

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/06/interior-outlines-regulatory-reform-plans-089434>

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Wed 6/21/2017 2:04:58 PM
Subject: POLITICO's Morning Transportation, presented by Delta Air Lines: Here comes the FAA reauth — What to look out for — NASCAR execs want to slam brakes on ATC overhaul

By Tanya Snyder and Lauren Gardner | 06/21/2017 10:01 AM EDT

With help from Brianna Gurciullo, Stephanie Beasley and Alex Guillén

ALL ROADS LEAD HERE: The House and Senate seem to be converging on pulling the curtain back on their FAA reauthorization bills this week. The House could drop its bill as soon as today, with the Senate expected to follow suit, and both chambers are eyeing a markup possibly before the month is out. GOP members of the House Transportation Committee huddled Tuesday night to discuss the bill in advance of its introduction.

What's the rush? The summer floor schedule in both chambers is already beginning to pile up, between continued gyrations over health care, a desire to overhaul the tax code, a potentially difficult vote on raising the debt ceiling, and oh yeah, almost all of fiscal 2018 appropriations left to handle. Also don't forget that Republicans in Congress are desperately looking for a legislative win, and at least some of them think the FAA reauthorization - especially if it includes a dramatic reorganization of the air traffic control system - could be it.

Sharing the skies? Rep. Sam Graves, one of two GOP "no" votes on the bill in 2016, has been working with House Transportation Chairman Bill Shuster (R-Pa.) for months to come to a compromise that would satisfy general aviation pilots like himself, and by Tuesday night said he had gotten there, our Brianna Gurciullo scooped for Pros. The bill would exempt general aviation from user fees, Graves said - a major coup for a constituency that's long agitated against an air traffic control spinoff. Graves also said GA interests would get two seats on the new nonprofit corporation's governing board. But it's an open question whether it'll be enough to win the support of the alphabet soup groups that represent those interests.

Where the roads diverge: Sen. John Thune (R-S.D.) told us Tuesday that their FAA bill won't contain a package to significantly overhaul air traffic control. "We don't have the votes to pass that in our committee at the moment," Thune said. "So we will see what the House is able to do and then we'll proceed accordingly."

On our radar: We'll be watching to see the extent to which the changes Graves was able to extract will be enough to satisfy general aviation interests concerned about the extent to which the governing board could disadvantage them compared to airlines, and whether the protections against user fees are strong enough for them. It also remains to be seen how big a fight appropriators and taxwriters are willing to put up to retain their turf. (Watch the House Ways and Means Committee - will they fast-walk a markup, or just consent to having a tax title bolted on at the House Rules Committee?)

IT'S WEDNESDAY: Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Lauren and Tanya are sharing MT

duties, so please send us tips, feedback and lyrics: tsnyder@politico.com or [@TSnyderDC](https://twitter.com/TSnyderDC) and lgardner@politico.com or [@Gardner_LM](https://twitter.com/Gardner_LM).

"I wish I was a headlight, on a North bound train / I'd shine my light through cool Colorado rain." h/t John Edwards, Norfolk Southern Corporation

Want to keep up with MT's song picks? We only need three more followers to hit 100 on our Spotify playlist - [get listening!](#)

WHAT WORKS - LIVE IN MIAMI BEACH - Join POLITICO in Miami Beach for a series of one-on-one interviews with mayors from across the country to hear how they are fostering innovation, promoting sustainable cities and implementing change in their regions. *Friday, June 23rd - Doors at 8:30am - Eden Roc - Pompeii Room (4525 Collins Ave., Miami Beach, FL)*
RSVP: [here](#).

FAA'S GREATEST HITS: There are plenty of issues lawmakers and outside groups want to see addressed in an FAA bill, and it's that time of year when we start to see bills introduced or letters fired off to members on issues that are either on the cutting room floor or safely tucked into hundreds of pages of legislative text. Here are a few we're looking for:

- **Drone registration for hobbyists:** A federal appeals court threw out FAA's interim final rule requiring this last month, on the grounds that Congress specifically forbade such a regulation in the 2012 authorization for the agency. The only way to reinstate it is for lawmakers to act, and there's plenty of interest in that from industry.

- **Vapes on a plane:** MT will never forget the 2016 FAA markup when Rep. [Duncan Hunter](#) (R-Calif.) [puffed](#) on his vaporizer on the dais while pushing back against Del. [Eleanor Holmes Norton](#)'s amendment to ban e-cigarette usage on planes (which was approved before DOT acted on its own prohibit it among passengers and crewmembers). The D.C. Democrat just unveiled a bill to enshrine the ban into law.

- **Uncapping the passenger facility charge:** The House isn't expected to go there, but Democrats are likely to push this issue at markup.

ROAD RACERS SAY SLOW DOWN ON ATC PLAN: You can't get much closer to the Trump-voter prototype than a NASCAR fan, and some of NASCAR's top executives are coming out against his plan to separate the air traffic control system from the FAA. A dozen motorsports executives, representing the top NASCAR teams, [wrote](#) to Shuster and Thune Tuesday to express their "strong opposition to privatizing our air traffic control system." They said they're regular business aviation users and are worried about their access to airports under a new governance structure. "In the motor sports industry, this access is critical to our business model and any attempts to increase fees on general aviation users or restrict access to aviation facilities would have a severe impact on our industry," they wrote.

FIVE, FOUR, THREE, TWO. YOUR TIME IS UP: The Senate Commerce Committee might have to race the clock when they review David Pekoske's nomination to head TSA this morning.

Senate Democrats are revolting against GOP efforts to force an Obamacare repeal bill onto the floor without committee reviews by invoking the Senate's obscure "two-hour rule" barring any committee hearings outside of the first two hours that the chamber is in session, Senate Minority Leader Chuck Schumer announced Tuesday. That could include Pecoske's nomination hearing, slated to start at 10 am.

Committee approval probable, floor time questionable: Pecoske, a former vice commandant for the Coast Guard, met with Thune last week to discuss key issues that the committee chairman is planning to raise at the hearing, including ways to better use TSA PreCheck to protect travelers, increase surface and maritime transportation security, and boost workforce morale, Steph reports. Ranking member Bill Nelson (D-Fla.) said he expects Pecoske will easily win committee approval; his chances for being confirmed on the floor within the next week are less certain.

Predecessors weigh in: Former TSA administrator Peter Neffenger warned of the challenges Pecoske could face, if confirmed. Neffenger told POLITICO that in addition to dealing with a sagging workforce morale, Pecoske will also need to be prepared to head up global efforts to improve aviation security, including ongoing high-level talks with officials from other countries hoping to avoid the introduction of an electronics ban. The next administrator will also need to expedite the adoption of new screening technologies, according to Neffenger, as well as develop a more comprehensive cybersecurity plan, said James Norton, a former deputy assistant secretary at DHS.

YEAS AND NAYS: The House passed four transportation security bills by voice vote Tuesday night, Steph reports : H.R. 2132 calling for TSA to spend more time responding to complaints from travelers frequently targeted for additional screening; H.R. 2283, which would require DHS to establish an employee engagement steering committee to help boost workforce morale; H.R. 2190, which would streamline the department's property investments portfolio; and the REPORT Act (H.R. 625). Two other bills originally scheduled for a vote Tuesday were pushed to today: H.R. 1282, which would establish a review board to oversee the department's acquisition process, and H.R. 2131, which would change DHS's process for reporting employee misconduct. A broader DHS authorization bill is expected to hit the floor later this month.

WHERE'S TRUMP? He's in Iowa today, talking about agricultural technology as part of White House "technology week." Don't be surprised if the topic of drones comes up, but it's just the appetizer: Trump will be talking at greater length about drones when the White House convenes tech innovators for a Thursday event that will be partially dedicated to an exploration of drone technology.

**** A message from Delta Air Lines:** Delta is committed to raising the standard of air travel. This commitment includes a continued investment in all 80,000 of their employees globally. Learn more at delta.com/dca **

PENCE PUMPS INFRASTRUCTURE: Speaking to the National Association of Manufacturers' annual summit, Vice President Mike Pence talked up the Trump administration's successes at deregulation and re-committed to an infrastructure initiative. "I'll make you a

promise - before we're done in seven and a half years, President Donald Trump is going to rebuild the infrastructure of the United States of America. This is a president who knows that roads mean jobs, and the right infrastructure supports growth in America." He went on to say Trump was "committed to making historic investments in our national infrastructure," but didn't mention the specifics the administration has so far been consistent on: \$1 trillion, leveraged with \$200 billion of direct public investment, with a bill coming from Congress in the third quarter (which, by the way, begins in 10 days.)

RYAN DEMURS: House Speaker [Paul Ryan](#), speaking after Pence at the NAM meeting, talked up tax repatriation, which some infrastructure proponents would like to use to fund infrastructure, but Ryan didn't say where he imagined the profits would go. He didn't breathe a word about infrastructure - which, remember, Congress will supposedly take up sometime in the next three and a half months - until NAM President Jay Timmons said, "I'll put another plug in for infrastructure investment, but we can talk about that another time." Ryan added, "That's on the list too."

FUEL GUZZLER OR SIPPER? THIS MIGHT HELP YOU DECIDE: A new report from the nonprofit International Council on Clean Transportation says EPA's 2025 auto emissions standards provide benefits totaling more than three times the cost and can be recouped in as few as three years, even with low fuel prices. Based on ICCT's March report that said compliance costs for the standards could be as much as 40 percent below EPA's 2012 projections, the group concludes new cars' fuel savings would go as high as \$2,600 over a vehicle's lifetime, while trucks could save up to \$4,000, all significantly higher than the estimates costs. ICCT also projected those savings would double if the standards continue to improve by 5 percent per year through 2030. EPA is currently re-reviewing whether the 2022-2025 standards are still feasible following industry pressure to lessen the targets.

DEMS WANT TO EXPORT GARRETT FROM EX-IM BOARD: House Minority Whip [Steny Hoyer](#) (D-Md.) said in a statement Tuesday that Trump's nomination of former New Jersey Rep. Scott Garrett to be president of the Export-Import Bank was part of Trump's pattern of nominating people to agencies they want to eliminate. Garrett was part of an effort in 2015 to permanently shut down the Ex-Im Bank. "I urge the Senate, which strongly supported reauthorization of the Bank, to defeat the Garrett nomination and send a message of support for American export-driven jobs," Hoyer said. Trump also nominated former Alabama Rep. Spencer Bachus, another Ex-Im Bank skeptic, to serve on the board.

UNEXPECTED LANDING: Several California Democrats risked missing House votes in Washington Tuesday night when their American Airlines flight from Los Angeles was forced to make an emergency landing in Kansas City Tuesday afternoon. Reps. [Linda Sanchez](#), [Tony Cardenas](#), [Alan Lowenthal](#) and [Nanette Diaz Barragan](#) were among the lawmakers on the flight. The unexpected layover was due to a medical emergency that did not involve any of the members, [reports](#) Heather Caygle.

DEPARTURE LOUNGE: Niki Christoff is joining Salesforce next month as a senior vice president of strategy and government relations in Washington. She currently heads Uber's D.C. policy shop and is an alum of both Google and Sen. [John McCain](#)'s office (h/t POLITICO)

Playbook).

THE AUTOBAHN:

- "Ford's plan to import cars veers from Mexico to China." [The Wall Street Journal](#).
- "Tesla's autopilot software head quits in less than six months." [Reuters](#).
- "Climate change may take a toll on air travel." [The New York Times](#).
- "Corker open to North Korea travel ban." [POLITICO](#).
- "At least 10 injured by turbulence on United flight to Houston." [Reuters](#).
- "Capital Bikeshare headed toward corporate sponsorship." [Washington Business Journal](#).
- "Cuomo seeks 'majority control' of MTA." [POLITICO New York](#).
- "Uber to offer in-app tipping." [POLITICO New York](#).
- "Senate GOP plans July debt ceiling vote." [POLITICO](#).
- "As travel industry awaits slowdown, travelers pack bags - for now." [The New York Times](#).

THE COUNTDOWN: DOT appropriations run out in 102 days. The FAA reauthorization expires in 102 days. Highway and transit policy is up for renewal in 1,198 days.

**** A message from Delta Air Lines:** Delta believes that doing right by employees is essential to creating an exceptional customer experience. That's why Delta has an industry-leading employee wide profit-sharing program and has increased employee pay by 40% since 2008. Because happier employees lead to happier customers. Learn more at delta.com/dca **

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Wed 6/21/2017 2:04:57 PM
Subject: POLITICO's Morning Energy: Zinke to get grilled over personnel moves — White House plans upcoming Energy Week — Groups huddle over what's next in Dakota Access case

By Anthony Adragna | 06/21/2017 10:00 AM EDT

With help from Alex Guillén, Ben Lefebvre, Annie Snider and Darius Dixon

BUDGET DEFENSE, PART 2: Look for Interior Secretary Ryan Zinke to get interrogated by Senate Democrats today on an Appropriations subpanel about his plans to reorganize senior career officials within his agency. "I'm very worried about the idea that you're moving people who have real serious expertise in an area to an area that they may not know anything about," Sen. Tom Udall, top Democrat overseeing Interior spending, told ME. "It looks like an attempt to make the agency so it doesn't work very well or [so] that the powers that be exercise their will more easily on the agency." Zinke plans to shift as many as 50 senior career staff to new roles and suggested in an agency memo that 1,000 positions at BLM could be eliminated by the end of the year.

More of what's on Udall's mind was in two letters he sent Monday. One, authored with Senate Energy Ranking Member Maria Cantwell, argued Zinke had not properly followed administrative law in suspending key parts of a BLM rule aimed at curbing methane waste from oil and gas operations on public lands. "Nowhere in the Federal Register notice last week did the Department make a finding that industry groups and States are likely to win their lawsuits, suffer irreparable harm if deadlines are not postponed, find the balance of equities tipped in their favor, and that suspending the deadlines is in the public interest," they wrote. "The suspension of parts of the Methane Waste and Prevention Rule seems particularly brazen given that on May 10 the Senate rejected a Congressional Review Act resolution to repeal the rule."

The other letter from Udall, as well as New Mexico Sen. Martin Heinrich and Reps. Ben Ray Lujan and Michelle Lujan Grisham, urged Zinke not to alter any New Mexican national monuments designated under the Antiquities Act. "Rescinding or shrinking to New Mexico's national monuments will cause irrevocable harm to our treasured places, would jeopardize the objects and special values that are protected through the Antiquities Act, and impact positive economic growth in local communities," they wrote. ME expects Udall to raise these issues directly at the hearing today, which kicks off at 9:30 a.m. in Dirksen 124.

PERRY'S HILL APPEARANCE IN QUESTION? Energy Secretary Rick Perry is supposed to make his second Capitol Hill appearance in two days - this time before a Senate Appropriations subpanel - to defend his agency's budget request at 2:30 p.m. today, but that will depend on whether Democrats continue to block committees from meeting after the Senate has been in session for two hours like they did Tuesday. Assuming the hearing takes place, look for top Senate energy spending guru Lamar Alexander to defend the need for robust energy research funding: "Governing is about setting priorities, and the federal debt is not the result of Congress overspending on science and energy research each year," Alexander will say.

ICYMI, Perry told House Appropriators he wasn't trying "to stir something up," but did precisely that when he suggested a former bomb testing site in Nevada might be a site for a temporary waste facility. As Pro's Darius Dixon reports, that comment drew a swift rebuke from Nevada Gov. Brian Sandoval as an "ill-conceived, irresponsible, and likely illegal" idea. Even energy spending cardinal Rep. Mike Simpson told reporters following the hearing it was the first time he'd heard the suggestion.

Perry told the subcommittee there was a "moral and national security obligation" to build nuclear waste storage facilities and said the U.S. could "no longer kick the can down the road." He added DOE would resurrect the office that ran the Yucca Mountain program before being dismantled under the Obama administration. And he said the agency did not plan to close any of its 17 national labs, though he didn't directly address concerns about potential staffing cuts.

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna and let me start with a quick PSA: Send your tips, gossip and leads to Eric Wolff (ewolff@politico.com) and Ben Lefebvre (blefebvre@politico.com) beginning Thursday while I'm off trading nuptials. I'll be back at the helm by mid-week, next week. In the meantime, FERC's John Peschke was first to identify Fred Thompson as the minority counsel on the Senate Watergate Committee turned senator. For today: Who was chair of the House Judiciary Committee during the Watergate process? As always, find me at aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

WHAT WORKS - LIVE IN MIAMI BEACH - Join POLITICO in Miami Beach for a series of one-on-one interviews with mayors from across the country to hear how they are fostering innovation, promoting sustainable cities and implementing change in their regions. *Friday, June 23rd - Doors at 8:30am - Eden Roc - Pompeii Room (4525 Collins Ave., Miami Beach, FL)*
RSVP: here.

NUCLEAR BILL CLEARS HOUSE: Legislation aimed at rewriting a tax credit for nuclear power projects cleared the House by voice vote Tuesday night, Pro's Darius Dixon reports. The bipartisan bill (H.R. 1551), from Reps. Tom Rice and Earl Blumenauer, would open the credits up to projects that power up after 2020 and may offer a lifeline to four new reactors in South Carolina and Georgia. Senate aides have said the measure is unlikely to move as standalone legislation but more likely as part of comprehensive tax reform.

ATTRACTIONS YET TO COME: The White House plans to designate next week as Energy Week, administration and industry sources tell ME. The Trump administration has been promoting its vision of American "energy dominance," calling for more oil and gas drilling on federal lands and waters and greater exports of natural gas to countries like China. The White House pulled together an "infrastructure week" earlier this month as well as this week's "technology week," which included roundtables between industry representatives and high-level administration officials.

The White House hasn't officially announced Energy Week, and its plans are still at an early stage. Three energy industry sources said the White House is trying to coordinate a meeting of energy CEOs next week, but said the exact scheduling still seemed up in the air. The timing

would also coincide with the expected Monday release of the Energy Department's review of policies hurting baseload power on the electric grid.

STATUS CHECK: Litigants in the Dakota Access pipeline lawsuit are back in court today for the first time since last a federal judge last week ruled the government's environmental review of the project was inadequate. They'll hold a status check today at 2:30 p.m. about next steps in the case, including whether the the pipeline should be shut off as the U.S. Army Corps of Engineers addresses those deficiencies in the environmental review. Protesters will rally outside the court at 2 p.m. in support of the Standing Rock Sioux Tribe and the Cheyenne River Sioux Tribe's efforts to fight the project.

That came after U.S. District Judge James Boasberg denied a bid from the plaintiffs to add Trump as a defendant in the case, Pro's Ben Lefebvre reports. He did allow the Standing Rock and Cheyenne River Sioux to add 13 new plaintiffs to their case but ordered them to remove Trump from the complaint.

STATES, GREENS FIGHT METHANE STAY: Thirteen states, along with D.C. and Chicago, have gotten involved to try and reinstate a methane rule for new oil and gas wells. EPA's stay "concretely and negatively affects" the states' interest in controlling methane leaks, protecting public health and combating climate change, they argued in a Thursday filing. Several of the states, including New Mexico and Pennsylvania, noted they are home to many of the wells affected, while others complained that the stay hurts their air quality and climate change efforts. Eleven other states have already gotten involved to defend EPA's stay - and not to be left out, North Dakota and Texas indicated they plan to join that side in a "friend of the court" brief. That comes as environmental groups argued in a court filing Tuesday EPA has no right to favor oil and gas companies over the people who live near their wells and asked a federal court to reinstate the rule, Pro's Alex Guillén reports.

MERGER MULLED: Zinke still might recombine the agency that oversees offshore oil and gas leasing with the offshore safety and environmental watchdog less than a decade after former Interior Secretary Ken Salazar split them in 2010, Pro's Esther Whieldon and Ben Lefebvre report. "We're considering that," Zinke told POLITICO of the potential merger after speaking at a Chamber of Commerce event in Washington. "But the core of the reorganization is how to get the different bureaus to work together in a joint environment." He said to expect "the first blush" of his major plans to reorganize the agency within the next two months.

EPA 'COMPLETELY WIPES' SCIENCE ADVISORY PANEL: Only 11 of 49 subcommittee members on EPA's Board of Scientific Counselors will remain by September after the agency suspended its meetings for the rest of the year, Pro's Annie Snider and Eric Wolff report. The cancellations, announced in a Monday by Acting Administrator for the Office of Research and Development Robert Kavlock in an email to BOSC members, come as the agency considers whether to replace most of the members of the board. "It completely wipes out BOSC," committee Chair Deborah Swackhamer told POLITICO.

The agency has said it wants to hear more input from people who understand how regulations affect the economy and says it has encouraged those with expiring terms to reapply. "We are

taking an inclusive approach to filling future BOSC appointments and welcome all applicants from all relevant scientific and technical fields," EPA spokeswoman Amy Graham said Tuesday.

I'M ALREADY DEAD! Federal scientists are predicting this summer's Gulf of Mexico dead zone is going to be a whopper - sucking the oxygen from a New Jersey-sized swath of the waterway. At 8,185 square miles, the life-smothering dead zone would be the third largest on record since monitoring began 32 years ago. Researchers attribute the extra-big zone to higher-than average amounts of nutrients washing off farm fields and suburban lawns in the massive watershed. The USGS estimates that the equivalent of 2,800 train cars of fertilizer flowed down the Mississippi and Atchafalaya rivers and into the Gulf in May, alone.

HE'S BAAAAACK: Former Energy Secretary Ernest Moniz plans to make a few headlines today by kicking off the creation of the Energy Futures Initiative at the National Press Club. The group purports to be a nonpartisan think tank focused on decarbonizing the economy and create jobs, according to information on the NPC website. "Moniz plans to use EFI to mobilize stakeholders in government, industry, labor and NGOs in creating a clean energy future." The event starts at 10 a.m.

Moniz seems to like groups with "initiative" in the title. Earlier this month, he officially became CEO and co-chairman of the Nuclear Threat Initiative.

TAKING STOCK OF OIL RISKS: A report out today from Carbon Tracker and Principles for Responsible Investment says that five of the world's six largest listed oil companies may misallocate up to 30 percent of their potential spending on projects that aren't needed in a world dedicated to limiting its temperature increases to two degrees Celsius. "Investors in oil and gas companies have been in the dark about their exposure to climate risk, but they will now be able to confront companies with precise information and ask hard questions about how they intend to deal with potentially stranded assets," Nathan Fabian with PRI said in a statement.

REPORT OFFERS ROSY VIEW ON AUTO STANDARDS: A new report from the nonprofit International Council on Clean Transportation says EPA's 2025 auto emissions standards provide benefits totaling more than three times the cost and can be recouped in as few as three years, even with low fuel prices. Based on ICCT's March report that said compliance costs for the standards could be as much as 40 percent below EPA's 2012 projections, the group concludes new cars' fuel savings would go as high as \$2,600 over a vehicle's lifetime, while trucks could save up to \$4,000, all significantly higher than the estimates costs.

BANKS STILL DIG FOSSIL FUELS: The Rainforest Action Network, BankTrack, Sierra Club and Oil Change International and a host of other organizations are out with a report today finding major banks poured \$87 billion into fossil fuels projects in 2016. That's better than recent years, but still incompatible with limiting temperature increases to 1.5 degrees Celsius, the groups argue.

MORE PUSH ZINKE AGAINST ARCTIC DRILLING: Seventeen green groups, including the Alaska Wilderness League, Earthjustice and Wilderness Society, wrote Zinke Monday urging him to reverse course on potentially opening the Arctic National Wildlife Refuge to oil

and gas drilling. "The Coastal Plain of the Arctic Refuge is no place for oil and gas activities, which are prohibited by law," they wrote. "The Coastal Plain should be permanently protected as Wilderness."

RAISE UM' UP: The Department of Interior could do more with more, the GAO says. Raising royalty rates on energy production on federal lands would likely bring more money into federal coffers without cutting much into demand for lease sales, according to GAO's [new report](#). Raising royalties to 18.75 percent from the current 12.5 percent would result in a "negligible" loss in lease demand over 10 years while increasing net federal revenue by \$200 million over the same period.

GRIJALVA PUSHES FOR NOAA BUDGET HEARING: House Natural Resources Ranking Member Raul Grijalva sent Chairman Rob Bishop [a letter](#) Tuesday requesting Commerce Secretary Wilbur Ross testify on the Trump administration's budget request for NOAA. Commerce overall was hit with a 16 percent budget cut, including multiple NOAA programs, as part of the president's budget request.

FLYING IN: The Nature Conservancy expects to hold approximately 250 congressional meetings today as part of its annual advocacy day. They'll be pushing for strong funding for conservation and science programs, as well as support for a "clean, more reliable and low-carbon energy future."

More than 200 members of the National Propane Gas Association are hitting the Hill today to press members on infrastructure, tax reform and delaying the implementation of the Occupational Safety and Health Administration's new crane rule (h/t POLITICO Influence).

MOVER, SHAKER: Michael LaRosa starts on July 10 as comms director for Democrats on the Senate Committee on Energy and Natural Resources under ranking member Sen. [Maria Cantwell](#). He has spent the last six plus years as a producer for MSNBC's "Hardball" with Chris Matthews. (h/t POLITICO Playbook).

Alex Mistri has joined Hess as vice president for government and external affairs; he was previously a managing director for the Glover Park Group.

QUICK HITS

- Inside the Environmental Protection Agency: Paranoia and Stifled Work. [Pacific Standard](#).
- Fisticuffs Over the Route to a Clean-Energy Future. [New York Times](#).
- Oil Bears Are Back as Prices Fall and Driller Shares Take a Hit. [Bloomberg](#).
- Too Hot to Fly? Climate Change May Take a Toll on Air Travel. [New York Times](#).
- Australia warned it has radically underestimated climate change security threat. [The Guardian](#).

- Qatar can weather boycott, foreign investors won't leave: Qatar Petroleum CEO. [Reuters](#).

THAT'S ALL FOR ME!

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Score
Sent: Wed 6/21/2017 2:04:54 PM
Subject: POLITICO's Morning Score: HANDEL WINS GEORGIA — Norman holds on in South Carolina near-surprise — Democrats strike out on special elections — DSCC raises \$5.1 million in May

By Kevin Robillard | 06/21/2017 10:00 AM EDT

The following newsletter is an abridged version of Campaign Pro's Morning Score. For an earlier morning read on exponentially more races - and for a more comprehensive aggregation of the day's most important campaign news - sign up for Campaign Pro today.
(<http://www.politicopro.com/proinfo>)

THE MAIN EVENT - "Handel wins Georgia special election," by Campaign Pro's Elena Schneider: "Republican Karen Handel has won Georgia's special election, holding off the most well-funded House candidate in history and deflating Democrats who yearned for a special election rebuke to President Donald Trump. Handel, who previously served as Georgia's secretary of state, had 52 percent of the vote to Democrat Jon Ossoff's 48 percent when the Associated Press called the race late Tuesday night after a six-month campaign in which Republicans hammered Ossoff as an ill fit for a traditionally conservative district. With her win, Handel protected Republicans' 24-seat House majority and their hold on the 6th District in Atlanta's northern suburbs, a longtime GOP seat that looked to be slipping from the party when Trump only carried it by 2 points in November. Democrats, spying an opening, poured millions of dollars into the special election when former Rep. Tom Price resigned to join Trump's cabinet as the secretary of Health and Human Services. Ossoff, a former congressional aide and documentary filmmaker, captured the anti-Trump fervor coursing through the Democratic Party and raised over \$23 million for his campaign. But Trump is not the only unpopular politician in the country, and Republicans once again used House Minority Leader Nancy Pelosi as a bogeyman in a major House race, linking Ossoff to her in TV ads, in door-to-door conversations with voters and even in the televised debates between Ossoff and Handel." [Full story.](#)

- "Lessons from the 2017 elections," by POLITICO's Gabriel Debenedetti: "Reeling after their loss in Atlanta's suburbs, Democrats are nevertheless claiming moral victory and reminding themselves to remain confident in their consistent over-performances in the House races compared to 2016 results - and in the strong candidates produced by the Virginia and New Jersey gubernatorial primaries. With 2018's midterm elections looming, here are POLITICO's seven takeaways from the first five months - and first five high-profile races - of the Trump era: **If the House is in play, Democrats still need to prove it ... Republican candidates need a personal Trump strategy ... The establishment isn't dead yet ... Democrats still don't have a message ... Health care isn't a silver bullet - not yet at least ... The Trump-era battleground: Suburbia ... The GOP base is still with Trump.**" [Full story.](#)

- "Congressional Leadership Fund heralds victory in Georgia," by Campaign Pro's Kevin Robillard: "The Congressional Leadership Fund, the Paul Ryan-backed outfit that spent more on Georgia's special election than any super PAC in the history of House elections, pointed to House Minority Leader's Nancy Pelosi's unpopularity and their ground investments as key to Republican Karen Handel's victory. Both are key to the group's plans in 2018. The group has

already planned to launch field operations in 30 competitive districts, with goals to knock on 10 million doors by Election Day. Pelosi's unpopularity, meanwhile, has long been a hallmark of Republican House messaging and CLF aired repeated television ads linking Ossoff to the unpopular Democratic leader." CLF executive director Corry Bliss, in a memo: "When asked, over 60 percent of voters preferred a congressman who would work with Paul Ryan, while only 28 percent chose Nancy Pelosi. This became a focal point in our messaging, as well as other outside groups and the Handel campaign itself. CLF never deviated from the goal of defining Ossoff as a dishonest liberal." [Full story](#).

- "NRCC Chairman bullish after special election victories - for now," by POLITICO's Rachael Bade: "National Republican Congressional Committee Chairman Steve Stivers took a brief victory lap in a Tuesday night interview with POLITICO after locking down the last of four House special elections for his party. ... 'I'd love to see where their momentum is at 0 and 4,' Stivers said when asked what the race said about Democrats' prospects of taking the House in 2018. 'They poured \$33 million into this seat and came away short. That just goes to show you that when you spend \$33 million but you talk about issues that the American people don't believe, you can't win.' He later added: 'Obviously, we've got a lot of work to do,' to keep the House in the midterms, 'but I think we've proven ourselves pretty solidly at this point, by being outspent by \$10 million, having them throw the kitchen sink at us, and we still win.'" [Full story](#).

- FRIENDLY FIRE - Massachusetts Rep. Seth Moulton, not a fan of Democratic leadership in the House, tweets: "#Ossoff Race better be a wake up call for Democrats - business as usual isn't working. Time to stop rehashing 2016 and talk about the future. We need a genuinely new message, a serious jobs plan that reaches all Americans, and a bigger tent not a smaller one. Focus on the future."

- MoveOn executive director Anna Galland: "In the closing weeks of the race, Ossoff and the DCCC missed an opportunity to make Republicans' attack on health care the key issue, and instead attempted to portray Ossoff as a centrist, focusing on cutting spending and coming out opposition to Medicare for All. This approach did not prove a recipe for electoral success. Democrats will not win back power merely by serving as an alternative to Trump and Republicans."

- HOLD THE CHAMPAGNE? - Former NRCC communications director Ken Spain issues a reminder: "Warning signs for both parties coming out of this race. Plenty of time to address over the next 17 months. Political enviro likely to change," he writes. "We lost PA-12 special in spring 2010. Tough loss and media said GOP was dead. Went on to win 63 seats six months later. #ThingsChange."

CLOSER THAN EXPECTED - "Republican Norman wins South Carolina special election," by Kevin Robillard: "Republican Ralph Norman has won South Carolina's special House election to replace OMB Director Mick Mulvaney in Congress. Norman defeated Democrat Archie Parnell in a closer-than-expected race for South Carolina's 5th District on Tuesday night. ... The district swung toward Democrats: Mulvaney defeated former Joe Biden aide Fran Person by 21 percentage points in November, and President Donald Trump won the district by 18 percentage points. Norman, a conservative hard-liner in the state legislature ... has

said he would join the House Freedom Caucus if elected." [Full story.](#)

- The final margin: Norman 51%, with 44,889 votes. Parnell 48%, with 42,053 votes. Total turnout: 87,775. DCCC spent \$275,000, while Congressional Leadership Fund spent \$50,000 and the NRCC spent about \$70,000.

- From the mouths of babes: "A win's a win but we need to win this by seven, eight points at least, not four or five," Norman [told McClatchy's Katie Glueck](#) last week.

Days until the 2017 election: 139

Days until the 2018 election: 503

Thanks for joining us. You can email tips to the Campaign Pro team at sbland@politico.com, eschneider@politico.com, krobillard@politico.com and dstrauss@politico.com.

You can also follow us on Twitter: [@politicoscott](https://twitter.com/politicoscott), [@ec_schneider](https://twitter.com/ec_schneider), [@politicokevin](https://twitter.com/politicokevin) and [@danielstrauss4](https://twitter.com/danielstrauss4).

WOMEN RULE PODCAST: In the latest episode of Women Rule, actress Allison Williams joins POLITICO editor, Carrie Budoff Brown, to discuss the evolving role of women in entertainment and her "fascination" with the Trump era. The 29-year-old actress says she doesn't believe that *Girls* could have taken place under the current administration, and that the show needed to happen while President Obama was in the White House. "I think there was a luxury to existential peace and calm that allowed the girls to live the lives they did," Williams tells Brown. Listen and subscribe: [iTunes](#) | [Soundcloud](#) | [Stitcher](#)

MONEY CHASE - FIRST IN SCORE - DSCC raises \$5.1 million in May: The Democratic Senatorial Campaign Committee raised \$5.1 million in May and has \$16.9 million on hand, a committee aide said.

- Ryan challenger banks \$100K: Paul Ryan - one of the GOP's top fundraisers - won't be hurting for money in 2018, but some Democrats are buzzing about his new challenger, Democrat Randy Bryce. He raised over \$100,000 within 24 hours of launching his campaign, according to strategist Bill Hyers.

HEALTH CARE STATUS REPORT - "Fate of Obamacare repeal uncertain in Senate," by Burgess Everett and Jennifer Haberkorn: "Mitch McConnell's current whip count to repeal Obamacare is far short of 50 votes. There is still no bill, and even Republicans are moaning about the rush and lack of transparency. The GOP plan to jam through a bill over the next 10 days amounts to a rare political risk by McConnell with no guarantee of success. ... McConnell himself wouldn't guarantee passage on Tuesday, or even commit to a vote next week, though that is his plan. Some Republicans suspect the Senate majority leader has a master legislative stroke ahead, but it appears only the canny Kentucky Republican has any inkling of what will transpire next week."

- **ALL EYES ON HELLER:** Heller "says he's willing to follow McConnell and risk his seat if the bill is favorable to his state. 'I will vote for this if it's good for the state of Nevada,' Heller said Tuesday. As to whether the emerging outline is good for the state, Heller couldn't yet say. 'I'm going to find out when I see the CBO,' he said. 'What will make me comfortable is a discussion with the governor.'" [Full story.](#)

RUH ROH - "Josh Mandel's \$2 million ad campaign went against focus of marketing plan," by the Cleveland Plain Dealer's Jackie Borchardt: "[T]reasurer's office marketing plans obtained through a public records request show big budget TV ads were not recommended as the best way to promote the STABLE Account program, which offers tax-advantaged investment accounts for disabled individuals, similar to 529 college savings accounts. ... Instead, the marketing plans lay out a grassroots strategy to target Ohioans who might be interested in the program by working with existing disability agencies and advocacy groups." [Full story.](#)

2018 WATCH - "Hammond planning bid to represent Nevada's 3rd Congressional District," by the Nevada Independent's Megan Messerly: "The second-term state senator told The Nevada Independent Tuesday that he plans to run to represent Nevada's 3rd Congressional District represented by Democratic Rep. Jacky Rosen. The freshman congresswoman is expected to challenge Republican Sen. Dean Heller for his U.S. Senate seat in 2018. Hammond, 50, has been exploring a bid for Congress since the beginning of the year, taking a brief break from the legislative session in March to visit Washington D.C." [Full story.](#)

- **"Jim Renacci staffs his 2018 gubernatorial team with Ohio Trump campaign veterans," by the Cleveland Plain Dealer's Andrew J. Tobias:** "Renacci's campaign team has hired a slew of operatives who worked last year on Donald Trump's coordinated campaign. They join Rob Scott, a Dayton-area attorney and former Tea Party leader who has seen his political stock rise since he signed on with the Trump campaign during last year's primary." The hires include four regional field directors. [Full story.](#)

FRONTIERS OF VOTING LAWS - "Landlords Are Now Required to Provide Voter Registration Info," by Seattle Met's Hayat Norimine: "In a 6-0 vote, Seattle council members on Monday approved legislation that would require landlords to provide information on voter registration and a registration form to new tenants. ... According to 2014 U.S. Census data, only 21 percent of renters who lived in their homes for less than a year voted." [Full story.](#)

CODA - QUOTE OF THE DAY: "Congrats to Karen Handel on a HUGE win in GA! Democrats lose again (0-4). Total disarray. The MAGA Mandate is stronger than ever. BIG LEAGUE." - President Donald Trump in a text message to supporters.

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EHS State Regulatory Alert

June 21, 2017 - Number 118

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California Regions

AIR

New Source Review of Toxic Air Contaminants **California Regions AIR**

Proposed rule of the South Coast Air Quality Management District amends regulations under Rule 1401 regarding new source review of toxic air contaminants. The rule requires spray booths and gasoline dispensing facilities to begin using Version 8.1 of the district's risk assessment procedures. The rule also updates the list of toxic air contaminants by adding caprolactum (CAS No. 105-60-2) and carbonyl sulfide (CAS No. 463-58-1); adding health risk values for butadiene, 1,3- (CAS No. 106-99-0) and toluene diisocyanates (CAS Nos. 26471-62-5, 584-84-9, and 91-08-7); and clarifying applicability of requirements to certain compounds and their parent compounds. A workshop and hearing are scheduled for July 12 and Sept. 1, 2017, respectively, both in Diamond Bar. Comments are due July 17, 2017. Contact: Kalam Cheung; South Coast AQMD; 909-396-3281; kcheung@aqmd.gov

—California RegionsRegulations (06/16/2017)

Regulatory Update

AIR

Permit and Other Fees **California Regions AIR**

Proposed rule of the Antelope Valley Air Quality Management District amends regulations under Rules 301 and 302 to increase permit fees by 7.5 percent and other fees associated with various activities, documents, and services by 15 percent, effective Jan. 1, 2018. A hearing is scheduled for July 18, 2017, in Lancaster. Comments are due July 17, 2017. Contact: Barbara Lods; Antelope Valley AQMD; 661-723-8070; blods@avaqmd.ca.gov

—California RegionsRegulations (05/30/2017)

Regulatory Update

WATER

Pyrethroid Pesticide Discharges **California Regions WATER**

Notice of the Central Valley Regional Water Quality Control Board announces the adoption of a resolution (R5-2017-0057) to amend the water quality control plan for the Sacramento and San Joaquin river basins to establish a pyrethroid pesticide control program. The amendment establishes total maximum daily loads for pyrethroid pesticides in nine urban water body segments and requires agricultural dischargers of pyrethroids to five water body segments with known pyrethroid impairments to develop and implement management plans. The amendment also sets forth a conditional prohibition of discharges of pyrethroid pesticides above certain concentrations into surface waters with aquatic life beneficial uses unless dischargers implement a management plan. In addition, the amendment includes a commitment by the board to consider the adoption of numeric pyrethroid water quality objectives no later than 15 years after the amendment's effective date and specifies monitoring requirements. The resolution is dated June 8, 2017. Contact: Tessa Fojut; Central Valley RWQCB; 916-464-4691; Tessa.Fojut@waterboards.ca.gov

—California RegionsRegulations (06/08/2017)

Regulatory Update

WATER

Waste Discharge Requirements General Orders/Confined Bovine Feeding Operations **California Regions WATER**

Notice of the Central Valley Regional Water Quality Control Board announces the adoption of a general order (R5-2017-0058) regarding waste discharge requirements for confined bovine feeding operations. The order incorporates provisions requiring the monitoring of surface water and groundwater to identify discharges resulting from runoff or leaching of irrigation water and/or stormwater from cropland, and from drift of chemicals to cropland, associated with confined bovine feeding operations. The order also specifies excluded operations and establishes a three-tiered regulatory system, consisting of a limited time operation tier, limited population operation tier, and a full general order coverage tier. In addition, the order establishes prohibitions; pond, production area, land application area, and composting operation specifications; receiving water limitations; and other provisions to protect the quality of surface water and groundwater. The order is dated June 8, 2017. Contact: Charlene Herbst; Central Valley RWQCB; 916-464-4724; charlene.herbst@waterboards.ca.gov

—California RegionsRegulations (06/08/2017)

Regulatory Update

Connecticut

OCCUPATIONAL SAFETY AND HEALTH

Occupational Exposure to Beryllium **Connecticut OCCUPATIONAL SAFETY AND HEALTH**

Proposed rule of the Department of Labor amends regulations under RCSA 31-372-101-1910, -102-1915, and -107-1926 to adopt by reference Jan. 9, 2017, amendments to federal standards for occupational exposure to beryllium. The rule establishes new permissible exposure limits for beryllium and includes requirements for exposure assessments, methods for controlling exposure, respiratory protection, personal protective clothing and equipment, medical surveillance, hazard communication, and recordkeeping. A hearing is scheduled for July 17, 2017, in Wethersfield. Comments are due July 17, 2017. Contact: Anne Rugens; DOL, Office of Program Policy; 860-263-6755

—Connecticut Law Journal (06/19/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Walking-Working Surfaces and Personal Protective Equipment Connecticut OCCUPATIONAL SAFETY AND HEALTH

Proposed rule of the Department of Labor amends regulations under RCSA 31-372-101-1910 to adopt by reference Nov. 18, 2016, revisions to federal general industry standards on walking-working surfaces to increase consistency between general industry and construction standards. A hearing is scheduled for July 17, 2017, in Wethersfield. Comments are due July 17, 2017. Contact: Anne Rugens; DOL, Office of Program Policy; 860-263-6755

—Connecticut Law Journal (06/19/2017)

Regulatory Update

Florida

WATER

Total Maximum Daily Loads/Ochlockonee River Basin Florida WATER

Notice of the Department of Environmental Protection announces changes to a Dec. 16, 2016, proposed rule to amend regulations under FAC 62-304.305 to establish nutrient total maximum daily loads (TMDLs) and their allocations for Lake Tallavana and Lake Talquin in the Ochlockonee River Basin. The changes update the proposed TMDL for Lake Talquin to reflect revised computer modeling, round the percentage reductions to the first digit, and delete the geographical reference in the load allocation. Contact: Erin Rasnake; DEP, Division of Environmental Assessment and Restoration; 850-245-8338

—Florida Administrative Weekly (06/19/2017)

Regulatory Update

Louisiana

AIR

Oil and Gas Well Testing Regulatory Permit
Louisiana AIR

Proposed rule of the Department of Environmental Quality, Office of the Secretary, amends regulations under 33 LAC III.307 regarding regulatory permits for oil and gas well testing. The rule provides for authorization to use well testing equipment for longer than 10 operating days. A hearing is scheduled for July 26, 2017, in Baton Rouge. Comments are due Aug. 2, 2017. Contact: Deidra Johnson; DEQ; 225-219-3985; deidra.johnson@la.gov

—Louisiana Register (06/20/2017)

Regulatory Update

AIR

Regional Haze SIP/Electrical Generating Units
Louisiana AIR

Notice announces the intention of the Department of Environmental Quality, Office of Environmental Services, to submit to the EPA a proposed revision to the state implementation plan for the regional haze program. The revision addresses best available retrofit technology requirements for an electrical generating unit at the Entergy Gulf States facility in Westlake. Hearing requests are due July 26, 2017. Comments are due July 7, 2017. Contact: Vivian Aucoin; DEQ, Office of Environmental Services; 866-896-5337; vivian.aucoin@la.gov

—Louisiana Register (06/20/2017)

Regulatory Update

AIR

Rescission of Prevention of Significant Deterioration Permits
Louisiana AIR

Proposed rule of the Department of Environmental Quality, Office of the Secretary, amends regulations under 33 LAC III.509 to specify that the department must provide adequate notice via the department's website of the rescission of a prevention of significant deterioration permit within 60 days of the rescission. A hearing is scheduled for July 26, 2017, in Baton Rouge. Comments are due July 26, 2017. Contact: Deidra Johnson; DEQ; 225-219-3985; deidra.johnson@la.gov

—Louisiana Register (06/20/2017)

Regulatory Update

AIR

Storage Vessel Regulatory Permit
Louisiana AIR

Proposed rule of the Department of Environmental Quality, Office of the Secretary, adopts

regulations under 33 LAC III.321 to establish a regulatory permit for storage vessels to authorize air emissions resulting from the storage of volatile organic liquids in tanks, reservoirs, and containers. The rule includes emission limitations; monitoring, recordkeeping, and reporting requirements; and storage vessel standards. The rule also addresses restrictions on floating roofs, fees, emissions inventories, notification requirements, and definitions. A hearing is scheduled for July 26, 2017, in Baton Rouge. Comments are due Aug. 2, 2017. Contact: Deidra Johnson; DEQ; 225-219-3985; deidra.johnson@la.gov

—Louisiana Register (06/20/2017)

Regulatory Update

ENDANGERED SPECIES

Shark Harvest Regulations

Louisiana ENDANGERED SPECIES

Final rule of the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, amends regulations under 76 LAC VII.357 to increase the daily possession limit of commercially harvested sharks from the large coastal species group to match the established default federal possession limit of 45. The rule also establishes secretarial authority to modify such commercial possession limits within a defined range if notified by the National Marine Fisheries Service that an in-season change has been implemented. The rule is effective June 20, 2017. Contact: Jason Adriance; DWF, Office of Fisheries; 225-765-0219; jadriance@wlf.la.gov

—Louisiana Register (06/20/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT

Hazardous Waste Delisting

Louisiana HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality, Office of the Secretary, amends regulations under 33 LAC V.4999, Appendix E, regarding hazardous waste delisting. The rule revises a hazardous waste delisting of Dynawave Scrubber Effluent to revise the description of the wastes excluded and to reflect the change in the name of the company to Denka Performance Elastomer LLC, of Laplace. The rule is effective June 20, 2017. Contact: Deidra Johnson; DEQ; 225-219-3168; deidra.johnson@la.gov

—Louisiana Register (06/20/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT

Hazardous Waste Program Regulations

Louisiana HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality, Office of the Secretary, amends regulations under 33 LAC V.108 through .4999 (nonconsecutive) to maintain equivalency with federal hazardous waste standards and authorization for the state hazardous waste program. The rule clarifies definitions, notification requirements, permitting procedures, financial requirements,

generator waste analysis, recordkeeping requirements, and procedures for submissions to the EPA. The rule is effective June 20, 2017. Contact: Deidra Johnson; DEQ; 225-219-3985; deidra.johnson@la.gov

—Louisiana Register (06/20/2017)

Regulatory Update

HAZARDOUS WASTE MANAGEMENT

Secondary Hazardous Materials

Louisiana HAZARDOUS WASTE MANAGEMENT

Final rule of the Department of Environmental Quality, Office of the Secretary, amends regulations under 33 LAC V.105, .109, and .322 regarding secondary hazardous materials, defined as materials that are recycled or re-used in industrial processes. The rule requires secondary hazardous materials to be managed as if they were already hazardous wastes that have been discarded. The rule also requires that the uses of secondary hazardous materials as ingredients and the products created with the materials be evaluated for legitimacy. In addition, the rule requires facilities that use hazardous secondary materials to conduct evaluations of their industrial uses and practices for managing such materials. The rule is effective June 20, 2017. Contact: Deidra Johnson; DEQ; 225-219-3985; deidra.johnson@la.gov

—Louisiana Register (06/20/2017)

Regulatory Update

Minnesota

OCCUPATIONAL SAFETY AND HEALTH

Electrical Code

Minnesota OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Labor and Industry, Board of Electricity, amends regulations under MNR 1315.0200 regarding the electrical code. The rule incorporates by reference the 2017 National Electrical Code. The rule is effective June 26, 2017. Contact: Suzanne Todnem; Board of Electricity; 651-284-5006; dli.rules@state.mn.us

—Minnesota State Register (06/19/2017)

Regulatory Update

New Jersey

COASTAL ZONE

Coastal Management Program

New Jersey COASTAL ZONE

Notice announces the intention of the Department of Environmental Protection, Division of Land Use Regulation, to submit a routine program change to the National Oceanic and Atmospheric Administration to modify the Coastal Management Program. The revisions reflect a June 7, 2010, final rule that amended regulations under NJAC 7:7E concerning residential parking requirements throughout the coastal zone and development in Atlantic City. The revisions also reflect a July 6, 2015, final rule that amended regulations under NJAC 7:7 and :7E to consolidate and standardize coastal management program provisions. Comments are due July 10, 2017. Contact: DEP, Office of Policy Implementation; 609-633-2201

—New Jersey Register (06/19/2017)

Regulatory Update

COMMUNITY RIGHT-TO-KNOW

Radiological Emergency Response Plan

New Jersey COMMUNITY RIGHT-TO-KNOW

Notice of the Department of Environmental Protection, Division of Energy Security and Sustainability, announces meetings concerning the radiological emergency response plan. The meetings will include representatives of the Bureau of Nuclear Engineering, the Department of Health, and the Division of State Police's Office of Emergency Management. The meetings are scheduled for July 12, 18, and 19, 2017, in Bridgeton, Toms River, and Woodstown, respectively. Contact: Ann Pfaff; DEP, Bureau of Nuclear Engineering; 609-984-7451; ann.pfaff@dep.nj.gov

—New Jersey Register (06/19/2017)

Regulatory Update

ENDANGERED SPECIES

Division of Fish and Wildlife/Marine Fisheries

New Jersey ENDANGERED SPECIES

Notice of the Department of Environmental Protection, Division of Fish and Wildlife, announces administrative changes to regulations under NJAC 7:25-14.10, -14.11, -18.1, and -18.12 regarding marine fisheries. The changes modify recreational and commercial Jonah crab fishery requirements, recreational seasons and minimum size limit limits for black sea bass, and commercial trip limits for black sea bass. Contact: DEP, Division of Fish and Wildlife; 609-292-2965

—New Jersey Register (06/19/2017)

Regulatory Update

ENDANGERED SPECIES

Division of Fish and Wildlife/Marine Fisheries

New Jersey ENDANGERED SPECIES

Notice of the Department of Environmental Protection, Division of Fish and Wildlife, announces administrative changes to regulations under NJAC 7:25-18.1 regarding marine fisheries. The

changes modify possession limits and recreational seasons for flounder. Contact: DEP, Division of Fish and Wildlife; 609-292-2965

—New Jersey Register (06/19/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP

Annual Site Remediation Reform Act Program Fees
New Jersey HAZARDOUS WASTE CLEANUP

Notice of the Department of Environmental Protection, Site Remediation and Waste Management Program, announces the availability of the annual Site Remediation Reform Act (SRRA) Program Fee Calculation Report for fiscal year 2018 under NJAC 7:26C-4. The SRRA Program administers brownfield and contaminated site remediation. The report identifies the annual remediation and remedial action permit-related fees for FY 2018 and compares the input data for FY 2017 with the input data for FY 2018. Contact: DEP, Site Remediation and Waste Management Program; 609-633-0701

—New Jersey Register (06/19/2017)

Regulatory Update

WATER

Individual Subsurface Sewage Disposal Systems, Well Construction and Maintenance, Sealing of Abandoned Wells
New Jersey WATER

Proposed rule of the Department of Environmental Protection amends regulations under NJAC 7:9A-4.3, :9A-5.9, :9A-9.7, :9A-12.6, and :9D-1.1 through :9D-4.8 (nonconsecutive); adopts regulations under NJAC 7:9D-1.17, -3.5, and 7:9D, Appendix; and repeals and readopts regulations under NJAC 7:9D-1.8 concerning individual subsurface sewage disposal systems, well construction and maintenance, and sealing of abandoned wells. The rule establishes a continuing education program for all licensed well drillers and pump installers to reflect the use of closed loop geothermal systems and to clarify and add specific activities for license classes. The rule also updates provisions for oversight of individuals who are in violation of standards and clarifies the procedures for the suspension or revocation of licenses. In addition, the rule updates requirements for proper location, design, construction, installation, alteration, repair, and operation of individual subsurface sewage disposal systems. Finally, the rule updates definitions, terminology, and fees. A hearing is scheduled for Aug. 10, 2017, in Trenton. Comments are due Aug. 18, 2017. Contact: Colin Emerle; DEP; 609-777-0155

—New Jersey Register (06/19/2017)

Regulatory Update

WATER

Water Supply Authority/Manasquan Basin
New Jersey WATER

Final rule of the Department of Environmental Protection, Water Supply Authority, amends

regulations under NJAC 7:11-4.3, -4.4, -4.5, and -4.6 regarding the sale of water from the Manasquan Basin System. The rule reduces certain debt service assessment rates, including the Environmental Infrastructure Financing Program debt component rate for fiscal year 2018. The rule also increases the source water protection fund assessment rate and maintains the operations and maintenance assessment rate for fiscal 2018. The rule is effective June 19, 2017. Contact: Henry Patterson; DEP, Water Supply Authority; 908-638-6121

—New Jersey Register (06/19/2017)

Regulatory Update

WATER

Water Supply Authority/Raritan Basin
New Jersey WATER

Final rule of the Department of Environmental Protection, Water Supply Authority, amends regulations under NJAC 7:11-2.3, -2.4, -2.5, and -2.6 regarding the sale of water from the Raritan Basin System. The rule increases the operations and maintenance assessment rate and the debt service assessment rate for the Environmental Infrastructure Financing Program loans for fiscal year 2018. The rule also maintains the capital fund assessment and the source water protection fund assessment for fiscal 2018. The rule is effective June 19, 2017. Contact: Henry Patterson; DEP, Water Supply Authority; 908-638-6121

—New Jersey Register (06/19/2017)

Regulatory Update

Ohio

AIR

Inspection and Maintenance Program Rules
Ohio AIR

Final rule of the Ohio EPA, Division of Air Pollution Control, amends regulations under OAC 3745-26-01 and -12 concerning the motor vehicle inspection and maintenance program. The rule defines and permanently exempts four unconventional vehicle types from state vehicle emissions testing requirements, namely low-speed vehicles, mini-trucks, under-speed vehicles, and utility vehicles. The rule is effective June 23, 2017. Contact: Paul Braun; OEPA, Division Air Pollution Control; 614-644-2270; paul.braun@epa.ohio.gov

—Ohio Regulations (06/19/2017)

Regulatory Update

RADIATION

Radioactive Material Standards—Well Logging
Ohio RADIATION

Final rule of the Department of Health, Radiation Control, amends regulations under OAC 3701:1-49-08, -10, and -11 concerning radiation material standards for well logging. The rule clarifies that physical inventory inspection and source and source holder visual inspection and maintenance should be conducted “at intervals not to exceed six months.” The rule is effective June 23, 2017. Contact: Kaye Norton; Department of Health, Office of the General Counsel; 614-644-8184; Kaye.Norton@odh.ohio.gov

—Ohio Regulations (06/19/2017)

Regulatory Update

Pennsylvania

AIR

Control of VOC Emissions from Industrial Cleaning Solvents Pennsylvania AIR

Proposed rule of the Environmental Quality Board amends regulations under 25 PAC 121.1, 129.96, 129.97, 129.99, and 129.100 and adopts regulations under 25 PAC 129.63a to establish reasonably available control technology (RACT) requirements and emissions limitations for stationary sources of volatile organic compound (VOC) emissions from industrial cleaning solvents. The rule sets VOC emission limitations and other requirements based on the EPA's 2006 Industrial Cleaning Solvents Control Techniques Guidelines and specifies that compliance may be achieved by alternative methods on the basis of equal volumes of solids. The rule also provides for exceptions and adds industrial cleaning solvent work practice standards and recordkeeping and reporting requirements. In addition, the rule updates RACT requirements for major sources of nitrogen oxides and VOCs and updates the list of presumptive VOC RACT requirements. If adopted, the rule will be submitted to the EPA as a revision to the state implementation plan. Hearings are scheduled for July 18, 19, and 20, in Norristown, Pittsburgh, and Harrisburg, respectively. Comments are due Aug. 21, 2017. Contact: Kirit Dalal; Department of Environmental Protection, Bureau of Air Quality; 717-772-3436

—Pennsylvania Bulletin (06/17/2017)

Regulatory Update

Vermont

OCCUPATIONAL SAFETY AND HEALTH

Occupational Exposure to Respirable Crystalline Silica in Construction Vermont OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Labor amends the VOSHA occupational exposure to respirable crystalline silica in construction rule. The rule revises exposure limits for respirable crystalline silica so that they are in line with current science. The rule is effective June 14, 2017. Contact: Daniel Whipple; DOL; 802-828-5084; dan.whipple@state.vt.us

—Vermont Regulations (06/15/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Occupational Exposure to Respirable Crystalline Silica in General Industry
Vermont OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Labor amends the VOSHA occupational exposure to respirable crystalline silica in general industry rule. The rule revises exposure limits for respirable crystalline silica so that they are in line with current science. The rule is effective June 14, 2017. Contact: Daniel Whipple; DOL; 802-828-5084; dan.whipple@state.vt.us

—Vermont Regulations (06/15/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Occupational Exposure to Respirable Crystalline Silica in Maritime Industry
Vermont OCCUPATIONAL SAFETY AND HEALTH

Final rule of the Department of Labor amends the VOSHA occupational exposure to respirable crystalline silica in maritime industry rule. The rule revises the exposure limits for respirable crystalline silica so that they are in line with current science. The rule is effective June 14, 2017. Contact: Daniel Whipple; DOL; 802-828-5084; dan.whipple@state.vt.us

—Vermont Regulations (06/15/2017)

Regulatory Update

West Virginia

OCCUPATIONAL SAFETY AND HEALTH

Proximity Detection Systems and Haulage Safety
West Virginia OCCUPATIONAL SAFETY AND HEALTH

Notice of the Board of Coal Mine Health and Safety announces a correction to a May 22, 2017, final rule that amended regulations under 36 WVCSS 57 regarding proximity detection systems and haulage safety. The rule, among other changes, establishes requirements for proximity detection systems on newly purchased place-change continuous miners, rebuilt place-change miners, and existing place-change continuous miners and requires cameras or proximity detection systems on scoop cars and battery-powered section haulage equipment by Sept. 1, 2017. The correction clarifies that existing place-change continuous miners in operation must be refitted with a proximity detection system by March 16, 2018, the compliance date specified in the federal standards under 30 CFR 75.1732(a). The correction is effective June 12, 2017. Contact: BCMHS; 304-957-2306

—West Virginia Register (06/16/2017)

Regulatory Update

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EHS State Regulatory Alert

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EHS Federal Regulatory Alert

June 21, 2017 - Number 118

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Summaries

AIR

California SIP/Sources of Volatile Organic Compounds and Nitrogen Oxides **AIR**

Direct final rule of the EPA amends regulations under 40 CFR 52.220 to approve revisions to the Mojave Desert Air Quality Management District (AQMD), Northern Sierra AQMD, and San Diego County Air Pollution Control District portions of the California SIP regarding sources of volatile organic compounds and nitrogen oxides. The revisions address aerospace assembly, rework, and component manufacturing operations. The revisions also address definitions, emissions statements, and recordkeeping requirements. The rule is effective Aug. 21, 2017, unless adverse comments are received July 21, 2017. Contact: Arnold Lazarus; EPA Region 9; 415-972-3024; Lazarus.Arnold@epa.gov

82 FR 28240 (06/21/2017)

Regulatory Update

AIR

California SIP/Sources of Volatile Organic Compounds and Nitrogen Oxides **AIR**

Proposed rule of the EPA amends regulations under 40 CFR 52.220 to approve revisions to the Mojave Desert Air Quality Management District (AQMD), Northern Sierra AQMD, and San Diego County Air Pollution Control District portions of the California SIP regarding sources of volatile organic compounds and nitrogen oxides. The revisions address aerospace assembly, rework, and component manufacturing operations. The revisions also address definitions, emissions statements, and recordkeeping requirements. A concurrent direct final adopts the revisions, effective Aug. 21, 2017. Comments are due July 21, 2017. Contact: Arnold Lazarus; EPA Region 9; 415-972-3024; Lazarus.Arnold@epa.gov

82 FR 28292 (06/21/2017)

Regulatory Update

AIR

Cross-State Air Pollution Rule/New Unit Set-Aside Allowances

AIR

Notice of the EPA announces the availability of preliminary lists of units eligible for allocations of emission allowances for new electricity generating units under the Cross-State Air Pollution Rule (CSAPR). The notice specifies that spreadsheets posted on the agency's website show first-round 2017 new unit set-aside allocations of CSAPR NOx Annual, CSAPR NOx Ozone, and CSAPR SO2 Trading Programs and that the agency will record the allocated allowances in sources' Allowance Management System accounts by Aug. 1, 2017. Objections are due July 21, 2017. Contact: Robert Miller; EPA; 202-343-9077; miller.robertl@epa.gov

82 FR 28243 (06/21/2017)

Regulatory Update

ENDANGERED SPECIES

Baiji/Chinese River Dolphin/Yangtze River Dolphin and Saimaa Subspecies of Ringed Seal Five-Year Status Review

ENDANGERED SPECIES

Notice of the National Oceanic and Atmospheric Administration, National Marine Fisheries Service, announces the initiation of a five-year status review for the endangered Baiji/Chinese River Dolphin/Yangtze River Dolphin and the endangered Saimaa subspecies of ringed seal to determine if the current listing classification of endangered is still accurate. Comments are due Aug. 21, 2017. Contact: Ron Dean; NMFS, Office of Protected Resources; 301-427-8403; Ron.Dean@noaa.gov

82 FR 28304 (06/21/2017)

Regulatory Update

ENDANGERED SPECIES

Oklahoma/American Burying Beetle Incidental Take Permits

ENDANGERED SPECIES

Notice of the U.S. Fish and Wildlife Service announces the receipt of two applications for incidental take permits under the amended oil and gas industry conservation plan in Oklahoma for the endangered American burying beetle. The applications, from Council Oak Resources LLC and Corterra Energy Operating LLC, both of Tulsa, Okla., relate to geophysical exploration (seismic) and construction, maintenance, operation, repair, decommissioning, and reclamation of oil and gas well field infrastructure and pipelines in the state. Comments are due July 21, 2017. Contact: Marty Tuegel; USFWS, Environmental Review Division; 505-248-6651

82 FR 28349 (06/21/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Clinical Investigations/Use of Electronic Records and Electronic Signatures Guidance

GENERAL ENVIRONMENT AND SAFETY

Notice of the Food and Drug Administration announces the availability of a draft guidance for industry concerning the use of electronic records and electronic signatures in clinical investigations (21 CFR 11, 312, and 812). The document provides questions and answers for sponsors, clinical investigators, institutional review boards, and contract research organizations on the use of electronic records and signatures in clinical investigations concerning new drugs and medical devices. Comments are due Aug. 21, 2017. Contact: Cheryl Grandinetti; FDA, Center for Drug Evaluation and Research; 301-796-2500

82 FR 28277 (06/21/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Montana/Spartan US Presidential Permit

GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Energy Regulatory Commission announces the receipt of an application for the importation of natural gas and a presidential permit to operate and maintain import facilities at the international boundary between the U.S. and Canada at Monchy, Saskatchewan, and Phillips County, Montana. The application, submitted by Alberta Ltd. and Spartan US, of Calgary, concerns the transfer to Spartan US of 30 feet of 8-inch diameter pipeline with a capacity of 10 million cubic feet per day, extending from the international boundary to a non-FERC regulated pipeline that is currently owned by Alberta Ltd. in Montana. The notice specifies that the agency will complete an environmental assessment or issue a notice of schedule for environmental review by Sept. 13, 2017. Comments are due July 6, 2017. Contact: FERC, 866-208-3676; FEROnlineSupport@ferc.gov

82 FR 28309 (06/21/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Ohio/Columbia Gas Transmission Pavonia Storage Field

GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Energy Regulatory Commission announces the filing of a prior notice request by Columbia Gas Transmission LLC, of Houston, to construct and operate a new storage well and related appurtenances at its Pavonia Storage Field in Ashland and Richland counties in Ohio. The notice specifies that the agency will complete an environmental assessment or issue a notice of schedule of environmental review by Sept. 13, 2017. Protests and motions to intervene are due Aug. 14, 2017. Contact: FERC; 866-208-3676; FEROnlineSupport@ferc.gov

82 FR 28309 (06/21/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Ohio/Cowan Creek Reservoir Hydroelectric Project

GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Energy Regulatory Commission announces the filing of a declaration of intention to file a license application by Cole Rhoten, of Milford, Ohio, for the Cowan Creek Reservoir Hydroelectric Project to be located near Wilmington, Ohio. The proposed project consists of an existing reservoir dam and concrete conduit, a conduit extension with flow gates, a powerhouse with a generating capacity of 300 to 500 kilowatts, a transmission line connecting to Dayton Power and Light Co.'s electric distribution system, and appurtenant facilities. Comments, motions to intervene, and protests are due July 14, 2017. Contact: Jennifer Polardino; FERC; 202-502-6437; Jennifer.Polarдино@ferc.gov

82 FR 28310 (06/21/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Oklahoma/Midcontinent Supply Header Interstate Pipeline Project

GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Energy Regulatory Commission announces the filing of an application concerning the proposed Midcontinent Supply Header Interstate Pipeline Project in Bryan, Canadian, Carter, Garvin, Grady, Johnson, Kingfisher, and Stephens counties in Oklahoma. The applicant, Midship Pipeline Co., of Houston, proposes to construct, own, and operate a new 199.4-mile natural gas pipeline system, three mainline compressor stations, a 20.3 mile lateral pipeline and a 13.6 mile lateral pipeline, one lateral booster station, metering and regulating stations, and appurtenant facilities with a total system capacity of 1,440 million cubic feet/day. The system would provide firm transportation capacity from the South Central Oklahoma Oil Province and the Sooner Trend Anadarko Basin Canadian and Kingfisher plays to existing pipelines near Bennington, Okla. The agency will complete an environmental assessment or issue a notice of schedule of environmental review by Sept. 19, 2017. Comments are due July 5, 2017. Contact: FERC; 866-208-3676; FEROnlineSupport@ferc.gov

82 FR 28313 (06/21/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Oregon/Ochoco Wild and Free-Roaming Herd Management Plan

GENERAL ENVIRONMENT AND SAFETY

Notice announces the intention of the U.S. Forest Service to prepare an environmental impact statement to analyze the effects of revisions to the 1975 Ochoco Wild and Free-Roaming Herd Management Plan. The plan addresses management of wild and free-roaming horses in the Big Summit Territory on the Lookout Mountain Ranger District in the Ochoco National Forest, near Prineville, Ore. The revisions provide for the assessment of the current appropriate management level (AML) of a maximum 60 head, updates to the territory boundary map, and management for genetic diversity. The revisions also provide for an emergency action framework and an off-range plan, set forth methods to slow the herd's reproductive rate, and specify that a forest plan amendment will be required if a different AML is deemed appropriate. The issuance of a draft EIS is scheduled for June 2018, and the issuance of a final EIS is scheduled for September 2018. Comments are due July 21, 2017. Contact: Tory Kurtz; USFS; 541-416-6500; tlkurtz@fs.fed.us

82 FR 28301 (06/21/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Tuberculosis Treatment Development Workshop

GENERAL ENVIRONMENT AND SAFETY

Notice of the Food and Drug Administration announces a workshop on scientific and clinical trial design considerations for the development of new tuberculosis treatment regimens. The workshop will focus on drug development programs and studies that evaluate shorter and better tolerated TB drug regimens and new regimens that have efficacy for treatment of sensitive and drug-resistant TB. The agenda includes discussions of current challenges in TB drug development, in vitro and in vivo nonclinical models, biomarkers, surrogate endpoints, TB diagnostics, individual drug assessments, and clinical trial design challenges in pediatric and special populations. The workshop is scheduled for July 19, 2017, in Silver Spring, Md., and via webcast. Comments are due Aug. 1, 2017. Contact: Lori Benner; FDA, Center for Drug Evaluation and Research; 301-796-1300

82 FR 28321 (06/21/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Washington State/Priest Rapids Hydroelectric Project

GENERAL ENVIRONMENT AND SAFETY

Notice of the Federal Energy Regulatory Commission announces the filing of a hydroelectric application by Public Utility District No. 2 of Grant County, Wash., for a recreation plan update for the Priest Rapids Hydroelectric Project on the mid-Columbia River in portions of Benton, Chelan, Douglas, Grant, Kittitas, and Yakima counties. The plan update involves removal of the Priest Rapids Dam picnic area, reduction of the number of campsites at the Priest Rapids recreation area, and the continued reservation of the Airstrip site and Wanapum recreation area for potential development. Comments, motions to intervene and protests are due July 17, 2017. Contact: Mary Karwoski; FERC; 678-245-3027; mary.karwoski@ferc.gov

82 FR 28311 (06/21/2017)

Regulatory Update

GENERAL ENVIRONMENT AND SAFETY

Withdrawal of Approval of New and Abbreviated New Drug Applications

GENERAL ENVIRONMENT AND SAFETY

Notice of the Food and Drug Administration announces the withdrawal of approval of 121 new drug applications and 161 abbreviated new drug applications from multiple applicants. The notice specifies that the applicants have requested the withdrawal because the drug products are no longer marketed. The withdrawal is effective July 21, 2017. Contact: Florine Purdie; FDA, Center for Drug Evaluation and Research; 301-796-3601

82 FR 28322 (06/21/2017)

Regulatory Update

HAZARDOUS MATERIALS TRANSPORTATION

Applications for Special Permits

HAZARDOUS MATERIALS TRANSPORTATION

Notice of the Pipeline and Hazardous Materials Safety Administration announces the receipt of 24 applications for special permits related to specified hazardous materials transportation regulations under 49 CFR 172 through 180 (nonconsecutive). Comments are due July 21, 2017. Contact: Ryan Paquet; PHMSA, Office of Hazardous Materials Approvals and Permits; 202-366-4535

82 FR 28378 (06/21/2017)

Regulatory Update

HAZARDOUS WASTE CLEANUP

Nebraska/Beatrice Former Manufactured Gas Plant Superfund Site

HAZARDOUS WASTE CLEANUP

Notice of the EPA announces a proposed cost recovery settlement agreement under CERCLA with the city of Beatrice, Neb., and Centel Corp., for the compromise of past response costs regarding the Beatrice Former Manufactured Gas Plant Superfund site in Beatrice. The proposed agreement also includes a covenant from the EPA not to sue or to take administrative action against the settling parties concerning the response costs. Comments are due July 21, 2017. Contact: Barbara Peterson; EPA Region 7; 913-551-7277; peterson.barbara@epa.gov

82 FR 28314 (06/21/2017)

Regulatory Update

MINING

Entry Upon Lands for Reclamation Purposes

MINING

Notice of the Office of Surface Mining Reclamation and Enforcement announces the submission of a continuing information collection request to the OMB regarding entry upon lands or property by the office, states, and Indian tribes for reclamation purposes (30 CFR 877.11). The collection addresses procedures for nonconsensual entry upon private lands for the purpose of abandoned mine land reclamation activities or exploratory studies when the landowner refuses consent or is not available. Comments are due July 21, 2017. Contact: John Trelease; OSMRE; 202-208-2783; jtrelease@osmre.gov

82 FR 28351 (06/21/2017)

Regulatory Update

MINING

Restrictions on Financial Interests of State Employees

MINING

Notice of the Office of Surface Mining Reclamation and Enforcement announces the submission of a continuing information collection request to the OMB regarding restrictions on financial interests of state employees (30 CFR 705). The collection addresses reporting requirements (OSM-23) for compliance with the prohibition on state regulatory authority employees or members of advisory boards or commissions having financial interests in underground or surface coal mining operations. Comments are due July 21, 2017. Contact: John Trelease; OSMRE; 202-208-2783; jtrelease@osmre.gov

82 FR 28352 (06/21/2017)

Regulatory Update

MINING

Surface Coal Mining/Federal Inspections and Monitoring

MINING

Notice announces the intention of the Office of Surface Mining Reclamation and Enforcement to seek OMB approval for a continuing information collection request concerning federal inspection and monitoring of surface coal mining operations (30 CFR 842). The collection addresses procedures for persons to notify OSMRE in writing of any violation that may exist at a surface coal mining operation and to request a federal inspection. Comments are due Aug. 21, 2017. Contact: John Trelease; OSMRE; 202-208-2783; jtrelease@osmre.gov

82 FR 28353 (06/21/2017)

Regulatory Update

MINING

Surface Mining Customer Surveys

MINING

Notice of the Office of Surface Mining Reclamation and Enforcement announces the submission of a continuing information collection request to the OMB regarding a series of customer surveys evaluating how the agency is meeting annual performance goals. The surveys assess the usefulness of agency technical assistance activities, technology transfer activities, and technical forums for a variety of surface mining stakeholders. Comments are due July 21, 2017. Contact: John Trelease; OSMRE; 202-208-2783; jtrelease@osmre.gov

82 FR 28351 (06/21/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Health Effects of Occupational Exposure to Chemical Hazards/Banding Process

OCCUPATIONAL SAFETY AND HEALTH

Notice of the Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, announces an extension of the comment period for a March 15, 2017, notice

(82 FR 13809) regarding a draft document concerning the occupational exposure banding process for evaluating chemical hazards. The document addresses the process for quickly assigning chemicals into specific categories/bands based on potency and negative health outcomes associated with exposure to the chemical. The document also provides guidance based on available toxicological data to determine a potential range of chemical exposure levels that can be used as targets for exposure controls to reduce risk among workers. Comments now are due July 21, 2017. Contact: Melissa Seaton; NIOSH, Education and Information Division; 513-533-8248; MSeaton@cdc.gov

82 FR 28320 (06/21/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Nationally Recognized Testing Laboratories/Curtis-Strauss

OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces the receipt of and the preliminary finding to grant an application from Curtis-Strauss LLC, of Littleton, Mass., for expansion of its recognition as a nationally recognized testing laboratory under 29 CFR 1910.7. The expansion involves the addition of five test standards to the scope of recognition. Comments are due July 6, 2017. Contact: Kevin Robinson; OSHA, Directorate of Technical Support and Emergency Management; 202-693-2110; robinson.kevin@dol.gov

82 FR 28356 (06/21/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Nationally Recognized Testing Laboratories/SGS North America

OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces a final decision to grant an application from SGS North America Inc., of Rutherford, N.J., for expansion of its recognition as a nationally recognized testing laboratory under 29 CFR 1910.7. The expansion involves the addition of two test standards to its scope of recognition. The decision is effective June 21, 2017. Contact: Kevin Robinson; OSHA, Directorate of Technical Support and Emergency Management; 202-693-2110; robinson.kevin@dol.gov

82 FR 28358 (06/21/2017)

Regulatory Update

OCCUPATIONAL SAFETY AND HEALTH

Nationally Recognized Testing Laboratories/TUV SUD

OCCUPATIONAL SAFETY AND HEALTH

Notice of OSHA announces a final decision to grant an application from TUV SUD America Inc., of Peabody, Mass., for expansion of its recognition as a nationally recognized testing laboratory under 29 CFR 1910.7. The expansion involves the addition of two recognized testing and certification sites to its scope of recognition. The decision is effective June 21, 2017. Contact: Kevin Robinson; OSHA, Directorate of Technical Support and Emergency Management; 202-693-

2110; robinson.kevin@dol.gov

82 FR 28359 (06/21/2017)

Regulatory Update

RADIATION

Inspection and Investigation Notices, Instructions, and Reports to Workers

RADIATION

Notice announces the intention of the Nuclear Regulatory Commission to seek OMB approval for a continuing information collection request regarding notices, instructions, and reports to workers on inspections and investigations (10 CFR 19). The collection addresses requirements for notices, instructions, and reports on inspections and investigations prepared by licensees and regulated entities for workers participating in NRC-licensed and regulated activities, and options available to such individuals in connection with commission inspection and compliance activities. The collection also addresses the rights and responsibilities of the commission and individuals during subpoenaed interviews as part of inspections or investigations of matters within the commission's jurisdiction. Comments are due Aug. 21, 2017. Contact: David Cullison; NRC; 301-415-2084; INFOCOLLECTS.Resource@NRC.GOV

82 FR 28360 (06/21/2017)

Regulatory Update

RADIATION

Material Control and Accounting of Special Nuclear Material

RADIATION

Notice announces the intention of the Nuclear Regulatory Commission to seek OMB approval for a continuing information collection request regarding material control and accounting of special nuclear material (SNM) (10 CFR 74). The collection addresses material control plans and control plan amendments and revisions for SNM of moderate and low strategic significance. The collection is used to satisfy U.S. obligations to the International Atomic Energy Agency. Comments are due Aug. 21, 2017. Contact: David Cullison; NRC, Office of the Chief Information Officer; 301-415-2084; INFOCOLLECTS.Resource@NRC.GOV

82 FR 28361 (06/21/2017)

Regulatory Update

RADIATION

NRC Financial Assistance Program

RADIATION

Notice announces the intention of the Nuclear Regulatory Commission to seek OMB approval for a continuing information collection request regarding grants and cooperative agreements. The collection addresses information gathered from recipients by the Acquisition Management Division for administration of the NRC financial assistance program, including semiannual technical performance reports and other occasional submissions. Comments are due Aug. 21, 2017. Contact: David Cullison; NRC, Office of the Chief Information Officer; 301-415-2084;

Infocollects.Resource@nrc.gov

82 FR 28362 (06/21/2017)

Regulatory Update

WATER

Inland Waterways Users Board Meeting

WATER

Notice of the U.S. Army Corps of Engineers announces a meeting of the Inland Waterways Users Board. The agenda includes a status discussion of fiscal year 2017 funding and the FY 2018 budget for the Navigation Program, discussion of the Inland Waterways Trust Fund and project updates, and a demonstration of the final modifications to the web viewer of the Lock Performance Monitoring System. The agenda also includes updates on the Olmsted Locks and Dam Project; the Locks and Dams 2, 3, and 4 on the Monongahela River Project; the Chickamauga Lock Project; and the Kentucky Lock Project. In addition, the agenda includes a status update of the Brazos River Floodgates and Colorado River Locks Study and a presentation on the standardization efforts within the USACE. The meeting is scheduled for July 19, 2017, in Portland, Ore. Comments are due July 12, 2017. Contact: Mark Pointon; USACE, Institute for Water Resources; 703-428-6438; Mark.Pointon@usace.army.mil

82 FR 28306 (06/21/2017)

Regulatory Update

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EHS Federal Regulatory Alert

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA.com
Sent: Wed 6/21/2017 11:14:21 AM
Subject: The Morning Headlines from InsideEPA.com -- June 21, 2017

TRUMP'S EPA: Agency at a crossroads -- Complete coverage

June 21, 2017

Latest News

ORD's New Deputy Expected To Lead Office's Overhaul, BOSC Selections

Richard Yamada, the new deputy chief of EPA's Office of Research and Development (ORD), is expected to play a key role overhauling the office and selecting new members for its Board of Scientific Counselors (BOSC), the panel that reviews ORD's research agenda, as he is expected to be the office's political leader until a permanent assistant administrator is nominated and confirmed, sources say.

Suit Poses Early Test For Enforcing Mandates Of EPA's Ash Disposal Rule

A new lawsuit filed by environmentalists against Duke Energy poses an early test of groups' ability to enforce the provisions of the Obama EPA's first-time Resource Conservation & Recovery Act (RCRA) coal ash disposal rule, even as the agency readies guidance for deferring to states on how to craft permits that will satisfy the rule.

Duke Defends Challenge To Environmentalists' 'Baseless' CWA Ash Claims

Duke Energy is defending its federal district court suit that aims to preempt environmentalists' litigation claiming that one of the company's power plants is contaminating waters protected by the Clean Water Act (CWA) through improper handling of coal ash, claiming the environmentalists' suit relies on "baseless accusations."

Critics Of Potential TCE Ban Fault EPA Cancer Risk, Seek New Data Review

Critics of EPA's proposed ban on certain uses of trichloroethylene (TCE) are faulting the Obama administration's conclusion that TCE causes human cancers and are calling on the Trump administration to assess new data from worker studies released since EPA's 2011 Integrated Risk Information System (IRIS) review of the chemical.

Facing Broad Concern, DOJ Plans New Guidance To Address SEP Policy

The Justice Department (DOJ) is preparing to issue new guidance addressing popular supplemental environmental projects (SEPs), which regulators often require

in enforcement settlements, in the face of broad calls from former enforcement officials and others who are urging DOJ to limit application of Attorney General Jeff Sessions' policy that bars settlement payments to third parties, such as those in some SEPs.

Trump's Infrastructure Plan Unlikely To Streamline, Bolster Water Projects

President Donald Trump's principles for bolstering infrastructure including transportation and water infrastructure projects are unlikely to succeed in his goals of streamlining or increasing the number of projects, an industry attorney says, due to proposed funding cuts to EPA and other agencies and Democrats' opposition to permit streamlining.

Daily Feed

CASAC appears likely to back EPA's SO2 science assessment

EPA's Clean Air Scientific Advisory Committee had minimal changes to recommend for EPA's assessment of the latest science on sulfur dioxide air pollution.

EPA seeks more than 1,200 staff for 'early out' program

EPA says it expect updates by “likely sometime in July” on agency positions that will be eligible for such early departure offers.

Rep. Gibbs reintroduces bill to limit EPA's CWA veto authority

The House bill aims to limit the amount of time EPA would have to veto some Clean Water Act dredge-and-fill permits issued by the Army Corps of Engineers.

House lawmakers urge EPA to retain California vehicle waiver

The lawmakers “acknowledge” Pruitt's recent comments signaling he does not plan to review California's current waiver but register disappointment at the administration's decision to rescind an Obama EPA determination to retain existing limits for model years 2022-2025.

EPA cancels BOSC for rest of 2017

From today's Ewire: The agency seeks to reconstitute the panel that reviews its research agenda. Plus, Lake Erie impairment listing and Exxon backs a carbon tax plan.

Texas urged to bolster fracking research

Texas-based researchers call for additional research into fracking's “potential negative impacts,” as drilling ramps up in the Permian Basin.

Read all the latest EPA news, analysis and documents →

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Anna Palmer Jake Sherman Daniel Lippman
Sent: Wed 6/21/2017 10:49:41 AM
Subject: POLITICO Playbook, presented by Starbucks: GOP VICTORY LAP after Handel win -- HOUSE GOP now 4-0 in contested specials since Trump won -- UBER's KALANICK IS OUT -- CAROL LEE to NBC -- CHINESE EMBASSY shopping for new PR firm -- SPOTTED at U2 concert

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Today's POLITICO Playbook presented by Starbucks
06/21/2017 06:46 AM EDT

By ANNA PALMER (anna@politico.com; [@apalmerdc](https://twitter.com/apalmerdc)), JAKE SHERMAN (sherman@politico.com; [@JakeSherman](https://twitter.com/JakeSherman)) and DANIEL LIPPMAN (daniel@politico.com; [@dlippman](https://twitter.com/dlippman))

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Driving the Day

Good Wednesday morning and happy first day of summer. **THE FACTS -- KAREN HANDEL** quite easily beat **JON OSSOFF** in Georgia. House Republicans are now 4-0 in contested special elections since **PRESIDENT DONALD TRUMP** won the presidency. That means Democrats have failed -- despite millions of dollars in spending -- to win a single race with a president who has a record low approval rating. Democrats are even further from the majority than they thought. Let's be clear: something ain't working for Democrats, party insiders privately tell us. The Ossoff race galvanized national donors and activists in a way that led many to believe House Democrats were en route to wresting control of the chamber from Republicans. That's not how they feel this morning. Caveat: this is a Republican seat. Being close is nice. But after six years in the minority, that's about all it is.

-- **REP. SETH MOULTON (D-MASS.) (@sethmoulton)**: "#Ossof Race better be a wakeup call for Democrats - business as usual isn't working. Time to stop rehashing 2016 and talk about the future." ... "We need a genuinely new message, a serious jobs plan that reaches all Americans, and a bigger tent not a smaller one. Focus on the future".

-- **THE DCCC** is holding a Georgia-6 debrief and consultant call at 1 p.m. today.

NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE CHAIRMAN STEVE STIVERS (R-OHIO), the guy that some Republicans were sniping at a month ago, has run through the tape in Montana, South Carolina, Georgia and Kansas with four victories.

-- **STIVERS SENT US THIS TEXT MESSAGE** after the victory was announced:
"Despite 30 mil spent and all the Democrat bluster, Republicans never took their eyes off the horizon. We were consistent focused on the issues and data that mattered and the results speak for themselves. Moral victories don't get a vote in Congress." **Rachael Bade on Stivers** <http://politi.co/2rPV9lp>

SURE , all these districts are GOP held seats, and Republicans just squeaked by. Fair enough. But if Democrats want to win the majority, they need to knock off some Republicans -- actually, lots of them. **REMEMBER THIS:** In 2011, Democrats flipped a GOP-held House seat in upstate New York -- so it's not unheard of for them to win these races. They just haven't done it in a long, long time.

THERE IS A LOT OF BUZZ that this will help ease the passage of Trump's agenda. Eh, kind of. The same fissures still exist within the GOP on issues like tax reform, health care and big government spending.

GABE DEBENEDETTI , who was at Handel HQ in Atlanta and also dropped by Ossoff's election night event, sent us his takeaways: "Heading into the night, Democrats figured even a close loss would lead to a narrative about the party over-performing in GOP-heavy districts. That much is definitely true, but the recriminations started earlier than expected when Archie Parnell came closer than anyone anticipated in South Carolina's Fifth District earlier in the night.

"**There were some awkward moments** for Republicans on Tuesday even at Handel's party -- a blue blazer-and-khakis crowd with a few MAGA hats and Bikers For Trump t-shirts scattered in -- especially when she thanked the president without using his name. But no amount of GOP discomfort or polling numbers showing a nationwide swing to blue was enough to calm frustrated Dems.

"**To Bernie-aligned progressives** I've spoken with, the Ossoff loss was evidence that candidates need to be more liberal, more outspoken on economic populism. Others wondered why the party didn't spend much money at all in Parnell's race. But one Dem congressman texted me a question that summed up all the exasperation early in the night: 'Lots of 'moral victories.' But when do we get actual victories???"

-- **MORE DEBENEDETTI: "Lessons from the 2017 elections":** <http://politi.co/2rTte5K>

NYT's JONATHAN MARTIN and RICHARD FAUSSET: "The apparent success of relentless Republican attacks linking Mr. Ossoff to the House minority leader, Nancy Pelosi, and her 'San Francisco values' also affirmed the efficacy of tying Democratic candidates in conservative districts to their brethren in more liberal parts of the country.

...

"**Both parties now confront the same question:** What does such a hard-won victory in the Lululemon-and-loafers subdivisions of Dunwoody and Roswell, where Mr. Trump prevailed in November, augur for Republicans who next year will be defending an array

of less conservative seats outside the South?" <http://nyti.ms/2tMxGEr>

THE PRESIDENT OF THE UNITED STATES at 11:48 p.m.: "Well, the Special Elections are over and those that want to MAKE AMERICA GREAT AGAIN are 5 and 0! All the Fake News, all the money spent = 0" ... **KELLYANNE CONWAY (@kellyannepolls):** "Thanks to everyone who breathlessly and snarkily proclaimed #GA06 as a 'referendum on POTUS @realDonaldTrump'. You were right. #winning" ... "Laughing my #Ossoff"

-- **WAIT A SECOND, GUYS.** Republicans did spend tens of millions of dollars to defend these seats and they won't be able to do that everywhere in November 2018. We're not saying Republicans will lose the majority, just pointing out a touch of nuance here.

RAHM EMANUEL and BRUCE REED in The Atlantic, "How the Democrats Can Take Back Congress": The party needs "to recruit candidates who match their districts and offer voters a detailed agenda ... Democrats don't need to spend the next year navel-gazing over how to motivate their base. In 2018, Trump will provide the greatest fundraising and get-out-the-vote machine the party has ever had. Wave elections are a chance to build on that base by winning back voters disappointed in the other side. Democrats will have plenty of disappointments to bring to their attention, including Republican health-care and tax-cut plans that betray the working-class voters who put Trump in the White House. To pull that off, though, Democrats must channel their anger, not be defined by it." <http://theatlantic.com/2rBsUcs>

THE RUSSIA PROBE CONTINUES ... "Mueller meets with 2 House Intel members," by Kyle Cheney: "Members of the House intelligence committee huddled Tuesday with Robert Mueller - the special counsel probing Russian interference in the 2016 election - to ensure their parallel investigations don't conflict with one another. Reps. Mike Conaway (R-Texas) and Adam Schiff (D-Calif.), the two lawmakers leading the House's probe into the matter, huddled with Mueller in a secure Capitol conference room to begin setting parameters. 'We are setting up a system to deconflict,' Conaway said shortly after the meeting." <http://politi.co/2rQ0AqN>

***** **A message from Starbucks:** Starbucks is creating opportunities for young adults facing barriers to success, including 4.9 million young Americans who are not working or in school. We've hired 40,000 young men and women and expanded our goal to 100,000 hires by 2020. We're also making it easier to access a tuition-free college degree: <http://sbux.co/2s2gX2g> *****

COMING ATTRACTIONS -- "Fate of Obamacare repeal uncertain in Senate," by Burgess Everett and Jen Haberkorn: "Senate Republicans are planning a pivotal meeting for Thursday morning to start the whipping process for Obamacare repeal, according to two sources familiar with the process. Mitch McConnell's current whip count to repeal Obamacare is far short of 50 votes. There is still no bill, and even Republicans are moaning about the rush and lack of transparency.

"The GOP plan to jam through a bill over the next 10 days amounts to a rare political risk by McConnell with no guarantee of success -- and one that could jeopardize his Senate majority long-term if the bill ends up being viewed as poorly as the House-passed bill, which has a 17 percent approval rating. McConnell himself wouldn't guarantee passage on Tuesday, or even commit to a vote next week, though that is his plan." <http://politi.co/2rAtUO9>

-- **KEY SENTENCE:** "Regardless of the outcome, the vote is still planned for next week." ... **NYT: "G.O.P. Rift Over Medicaid and Opioids Imperils Senate Health Bill"** <http://nyti.ms/2rPNWYQ>

NEW POLITICO/MORNING CONSULT POLL -- "Poll: Opposition to GOP health bill is on the rise," by Steven Shepard: "Opposition to the Republican health bill is growing, according to a new POLITICO/Morning Consult poll. As the GOP-led Senate prepares to take up the measure, only 35 percent of voters surveyed approve of the bill passed by the House last month. Nearly half of voters, 49 percent, disapprove of the bill. The other 16 percent don't know or don't have an opinion, the poll shows.

"POLITICO/Morning Consult polling indicates the bill has become less popular since the House advanced it in early May. Immediately after the bill passed, slightly more voters approved of the bill, 38 percent. Opposition to the bill was lower, too, immediately after the House passed it: 44 percent.

"The poll underscores the risks Republicans face in pursuing legislation for which opposition is creeping toward a majority of voters. The Senate's so-far behind-closed-doors drafting process also complicates Republicans' efforts to sell the proposal to their own voters - and there's some evidence of slippage among the GOP base on the party's Obamacare repeal bid." <http://politi.co/2sSFtEo>

CH-CH-CH-CH-CHANGES -- "'I'm Right Here!' Sean Spicer Says While Toiling to Find Successor," by NYT's Maggie Haberman and Glenn Thrush: "The biggest shift Mr. Trump is discussing is a dramatic change to the briefing room schedule, including limiting briefings that he has described as a 'spectacle' to once a week and asking reporters to submit written questions. Some of Mr. Trump's outside advisers, including the Fox News host Sean Hannity, have urged him to curtail the freewheeling -- and often embarrassing -- barrage of questions. Mr. Trump has been particularly irked by CNN, and other allies such as former House Speaker Newt Gingrich have suggested banning the cable network. ...

"Several Trump aides, including [Jared] Kushner, Mr. Spicer, Stephen K. Bannon and the chief of staff, Reince Priebus, have made their own phone calls searching for potential job candidates, sometimes not telling others in the building what they're doing. Some believe that the communications director needs his or her own lane; others believe that the person should report to Mr. Spicer, for whom a new role as a deputy chief of staff has been discussed." <http://nyti.ms/2spucda>

VALLEY TALK -- "Uber CEO Travis Kalanick Quits as Investors Revolt Over Scandals," by WSJ's Greg Bensinger: "Uber Technologies Inc.'s co-founder and chief executive, Travis Kalanick, has resigned after a group of investors pressured him to step down following a bruising six months of scandal and setbacks, marking a stunning turnabout for one of Silicon Valley's highest-flying startups. Mr. Kalanick, 40 years old, handed in his resignation Tuesday, a spokesman said. Several investors pushed Mr. Kalanick to resign, people familiar with the matter said, to help turn around the company as it works to battle allegations that it has a workplace permissive of sexual harassment and sexism. Uber has no replacement for Mr. Kalanick and is running without financial and operating chiefs and other key executives after several recent departures, including one of the CEO's top deputies who was pushed out last week by the board."
<http://on.wsj.com/2sUEbZb>

-- **UBER's** C-suite overhaul is likely to have a major impact on K Street. The tech company has been losing a number of in-house Washington employees in recent months. While examining the tech company's D.C. operation and consultant spending is unlikely to be the first thing the next CEO does, it certainly will be high on their list as Congress looks to get more answers from the embattled company.

WITH FRIENDS LIKE THESE ... -- CONGRESSMAN ELECT GREG GIANFORTE -- the man who body slammed Guardian reporter Ben Jacobs, is showing up for his first "Montana Coffee" event this morning on Capitol Hill. Sen. Jon Tester's (D-Mont.) staff plans to wear Committee to Protect Journalists pins to the event to show their support for freedom of the press. Gianforte gave CPJ \$50,000 after being convicted of assaulting Jacobs.

FIRST IN PLAYBOOK -- The Chinese Embassy in Washington is exploring hiring new public relations representation as they navigate Donald Trump's Washington. BLJ Worldwide, a global strategic consulting firm that represents and advises foreign governments, companies and NGOs, is pitching the embassy to do their PR, according to sources familiar with the bid. Qorvis has represented the Chinese embassy since 2014 for \$25,200 a month and is trying to keep them on the books. The firm currently does "public relations, media training, survey and polling, advertising, social media communication strategy and implementation, crisis planning, event planning and management, and reputation and search management," for the embassy, according to a FARA filing.

Representatives of BLJ have been spotted in the Chinese embassy in Washington in recent weeks, according to a source. Mike Holtzman, a partner at the firm, managed the PR campaign for the 2008 Beijing Olympic bid when he was with Weber Shandwick. The current pitch process has taken a few months and no one firm has won out yet. BLJ, which earlier did some work for Syrian first lady Asma Al-Assad (and helped get her an infamous favorable profile in Vogue in March 2011), the Qaddafi Libyan government and the Ecuador embassy, declined to comment. The Chinese embassy did not respond to a request for comment.

THE PRESIDENT is rallying in Cedar Rapids today. ***WaPo's John Wagner and Ashley Parker on the president wanting to get back on the road.*** <http://wapo.st/2rUFQJM>

FORMER DHS SECRETARY JEH JOHNSON is testifying about Russian interference this morning at 11 a.m. in front of the Permanent Select Committee on Intelligence. ***Text of testimony*** <http://bit.ly/2sURKbd>

THE JUICE ...

-- **HAPPENING TODAY: LA STAMPA's** "The Future of Newspapers" conference in Turin, Italy. There are four panels featuring some big media heavyweights. "The editors' view" features Bloomberg's John Micklethwait, FT's Lionel Barber, Hindustan Times' Bobby Ghosh, HuffPo's Lydia Polgren and O Globo's Ascanio Seleme. "CEO's View" features POLITICO's Robert Allbritton, Le Monde's Louis Dreyfus, South China Morning Post's Gary Liu and New York Times' Mark Thompson. "Industry's view" features Jessica Lessin of the Information, NYT's Andrew Ross Sorkin, Robert Thomson of NewsCorp and Julian Reichelt of BILD. Jeff Bezos and La Stampa's owner John Elkann will speak on the "Owners' view" panel.

-- **BONO** honored Rep. Steve Scalise at his concert Tuesday night, saying he was "grateful" the Louisiana Republican survived the shooting. **SPOTTED** at the U2 show at FedEx Field: House Minority Leader Nancy Pelosi, Sens. Chris Coons (D-Del.), Amy Klobuchar (D-Minn.), Ben Sasse (R-Neb.), and Ted Cruz (R-Texas), Mick Mulvaney, David Brooks, Andrea Mitchell, Joel and Laura Cox Kaplan, Sally Canfield, Jim Kim, Frank Luntz, Matt Gorman, Ryan Thompson, Dwayne Carson, Dustin Carmack, Audrey Henson, Gayle Smith, Tom Hart, Andy Olson, Tom Mancinelli, Joan Condon, Janice Kaguyutan, Carrie Radelet, Tim Adams, Nilmini Rubin, Ryan Thompson, Dwayne Carson, Dustin Carmack.

-- **CONGRATS** to **PETER HAMBY** and Snap's "Good Luck America" for winning a 2017 Edward R. Murrow Award. They won for "Excellence in Innovation among Large Digital News Organizations". Snap is the first tech platform to win a Murrow (Netflix also won one this year for a documentary it made). <http://bit.ly/2rTVB3M>

-- **FIRST IN PLAYBOOK: ALEX MISTRI**, a managing director at the Glover Park Group, has joined Hess as vice president of government and external affairs.

-- **BIG DOUGH:** Leslie Wexner, the chairman of the Limited Corporation, gave \$237,300 to the NRCC in May. ... Robert Mercer gave \$334,000 to the RNC.

-- **PHIL VERVEER**, most recently senior counselor to the FCC Chairman and earlier Ambassador for International Communications and Information Policy at State Department, has joined Venable as senior counsel.

-- **POLITICO Founder John Harris** appeared last night on Comedy Central's The Daily Show with Trevor Noah. ***Watch*** <http://on.cc.com/2tN2Hs4>

Playbook Reads

PHOTO DU JOUR: Karen Handel celebrates with her husband Steve as she declares victory during an election-night watch party in the race for Georgia's 6th congressional House seat on June 20 in Atlanta. | John Bazemore/AP Photo

TRUMP INC. -- "Trump's Net Worth Slips to \$2.9 Billion as Towers Underperform," by Bloomberg's Caleb Melby: "Donald Trump's office properties aren't bringing in as much cash as banks that loaned him money had expected. That's the biggest finding in an updated assessment of the president's net worth, which has slipped to \$2.9 billion, according to the Bloomberg Billionaires Index, down from \$3 billion a year ago. ... The decrease is driven mostly by a drop in the value of three office properties in Manhattan, where financial data compiled by Trump's lenders offer a consistent picture: They're underperforming appraisals conducted when Trump was issued loans. The buildings -- 40 Wall Street, Trump Tower, and 1290 Avenue of the Americas, a tower in which Trump holds a 30 percent stake, are victims of a changing New York office market, where gleaming new skyscrapers are attracting tenants and demand for space in vintage properties is falling." <https://bloom.bg/2trWJxl>

AMBASSADOR WATCH -- "Grenell under consideration to be ambassador to Germany," by Josh Dawsey: "Richard 'Ric' Grenell, a former United Nations official and prominent backer of President Donald Trump, is under consideration to be ambassador to Germany, according to three people briefed on the discussions. Grenell is now unlikely to be named the pick as NATO ambassador, as was previously reported, one of these officials said. Another person familiar with the talks said NATO could be a possibility for Grenell, but that Secretary of State Rex Tillerson wants Kay Bailey Hutchison, the former Texas senator, for the post, and is likely to get his way." <http://politi.co/2rBD4tp>

INSIDE THE WEST WING -- "Despite Concerns About Blackmail, Flynn Heard C.I.A. Secrets," by NYT's Matt Apuzzo, Matt Rosenberg and Adam Goldman: "Senior officials across the government became convinced in January that the incoming national security adviser, Michael T. Flynn, had become vulnerable to Russian blackmail. At the F.B.I., the C.I.A., the Justice Department and the Office of the Director of National Intelligence - agencies responsible for keeping American secrets safe from foreign spies - career officials agreed that Mr. Flynn represented an urgent problem. Yet nearly every day for three weeks, the new C.I.A. director, Mike Pompeo, sat in the Oval Office and briefed President Trump on the nation's most sensitive intelligence - with Mr. Flynn listening.

"Mr. Pompeo has not said whether C.I.A. officials left him in the dark about their views

of Mr. Flynn, but one administration official said Mr. Pompeo did not share any concerns about Mr. Flynn with the president. The episode highlights a remarkable aspect of Mr. Flynn's tumultuous, 25-day tenure in the White House: He sat atop a national security apparatus that churned ahead despite its own conclusion that he was at risk of being compromised by a hostile foreign power." <http://nyti.ms/2rBWHS6>

***** **A message from Starbucks:** Starbucks is creating opportunities for young adults facing barriers to success, including 4.9 million young Americans who are not working or in school. We've hired 40,000 young men and women and expanded our goal to 100,000 hires by 2020. These talented, resilient young adults want to be successful and we're also making it easier to access a tuition-free college degree: <http://sbux.co/2s2gX2g> *****

FOR YOUR RADAR -- "Saudi Arabia Rewrites Succession as King Replaces Heir With Son, 31," by NYT's Ben Hubbard: "King Salman of Saudi Arabia promoted his 31-year-old son, Mohammed bin Salman, to be next in line to the throne on Wednesday, further empowering a young, activist leader at a time when the kingdom is struggling with low oil prices, a rivalry with Iran and conflicts across the Middle East. The decision to remove the previous crown prince, Mohammed bin Nayef, 57, comes as some members of the royal family have chafed at the rise of the younger prince, who emerged from relative obscurity when his father, 81, ascended the throne in January 2015. Prince Mohammed bin Salman has since accumulated vast powers in the wealthy kingdom, a crucial ally of the United States, serving as defense minister, overseeing the state oil company and working to overhaul the Saudi economy. His supporters have praised him as hard-working and as offering a hopeful vision for the kingdom's future, especially for its large youth population. His critics have called him inexperienced and power hungry." <http://nyti.ms/2tMsOzh>

JOSH ROGIN in WaPo, "The Trump administration is working to free American hostages in Iran": "Siamak Namazi, an Iranian American businessman, was arrested in Tehran in October 2015 and charged with espionage and collusion with an enemy country - the United States. ... The following month the Iranians arrested his father Baquer Namazi, a former longtime United Nations official who is 81 years old and in poor health. ... Two senior administration officials said that the Trump administration is now considering a range of measures to pressure the Iranians to release the Namazis and two other American citizens held by Iran. Those options are still secret, but include sticks more than carrots." <http://wapo.st/2sUUfKv>

MEDIAWATCH -- "Carol Lee to join NBC News," by Hadas Gold: "Lee is joining NBC News as a national political reporter. Lee is currently a White House correspondent for The Wall Street Journal. A former White House Correspondents' Association president, Lee has been with the Journal since 2011, having previously covered the White House for POLITICO. Already a frequent presence on television, Lee will appear across all NBC platforms including MSNBC ... She starts in July." <http://politi.co/2ts2rzg>

WOMEN RULE PODCAST: In the latest episode of Women Rule, actress Allison

Williams joins POLITICO editor, Carrie Budoff Brown, to discuss the evolving role of women in entertainment and her "fascination" with the Trump era. The 29-year-old actress says she doesn't believe that *Girls* could have taken place under the current administration, and that the show needed to happen while President Obama was in the White House. "I think there was a luxury to existential peace and calm that allowed the girls to live the lives they did," Williams tells Brown. <http://politi.co/2rQinyd> ... **Listen and subscribe:** <http://apple.co/2ICPzCe>

Playbookers

SPOTTED: At the Trump Hotel last night: Rudy Giuliani, Corey Lewandowski, Boris Epshteyn, and Keith Schiller at separate tables ... Rep. David Kustoff (R-Tenn.) on the 2:02 p.m. Amtrak from NY to DC.

TRANSITIONS -- Ali Pardo started as the communications director for Rep. Ann Wagner (R-Mo.). She is coming from the RNC, where she served as a spokesperson since 2013. Ali also served as the press secretary for the 2017 inauguration. ... **Crystal Carson** has started as press secretary for Gov. Terry McAuliffe's PAC, Common Good VA. Crystal previously worked on Michael Blake's campaign for DNC Vice-Chair, the Clinton campaign and in the Obama White House.

... **Mark Linton**, the former executive director of the White House Council on Strong Cities, Strong Communities, has joined The Raben Group. He will be based out of the SF Bay area. <http://politi.co/2sPoemw>

WEEKEND WEDDINGS -- Austin Bone, legislative director for Rep. Rodney Frelinghuysen (R-N.J.), married **Christina Nixon**, consultant for Accenture, over the weekend at Brasstown Valley Resort and Spa in north Georgia. The couple met in college at Washington and Lee. **Pic** <http://bit.ly/2spJOxx>

WELCOME TO THE WORLD -- Allison Clear Fastow, a partner at Blue Engine Message & Media, and **William Fastow**, the principal broker at Appleton Properties, email friends and family: "After 41 weeks and 1 day, Will and I were thrilled to meet Lucas Jacob Fastow at 6:17 a.m. this Father's Day. The mostly sleepless night ended in a relatively easy labor, with Lucas weighing in at 8lbs 1oz and measuring 20 inches long, just like his big brother Eli when he was born. The Fastow Family is complete and we couldn't be happier." **Pic** <http://politi.co/2tMCqKr>

-- **Elliot Williams**, principal at The Raben Group, and wife **Eileen Yam** have welcomed Vera Liu Williams, born Sunday. "Big brother Everett is excited to begin duties. Everyone is doing well!" **Pic** <http://bit.ly/2rUIVtk>

BIRTHDAY OF THE DAY: early Trump aide **Sam Nunberg**, public affairs consultant based in NYC, is 36. How he's celebrating: "I will celebrate by having dinner with my

family and friends at Chef Ho's Peking Duck Grill which has become a tradition." Read his Playbook Plus Q&A: <http://politi.co/2tN3lpC>

BIRTHDAYS: Mike Allen, who celebrated last night at the U2 concert (h/ts Jonathan Karl, Geoff Morrell, Blain Rethmeier) ... NYT editorial board member Elizabeth Williamson, a WSJ alum ... WaPo alum Peter Perl, now senior consultant at The Reis Group ... Jake Maccoby, HFA and DOJ alum ... Tanya Singer, former general manager of Bloomberg Politics ... John Rhoden ... Rep. Dana Rohrabacher (R-Calif.) is 7-0 ... Oregon Gov. Kate Brown is 57 ... WSJ's Laura Meckler, the pride of Cleveland ... Dan Wagner, investigative reporter at BuzzFeed and an AP and CPI alum (h/t Tim Burger) ... Kate Kochman ... Shara Mohtadi, senior advisor at the N.Y. State Energy Research and Development Authority ... George Jahn, AP's Austria bureau chief ... Time's Elizabeth Dias, covering religion and politics ... Madeleine Morgenstern, digital editor at Washington Examiner ... Jill Farquharson, Sen. Carper's press secretary (h/t Jonathan Kott) ... former Rep. Marjorie Margolies (D-Pa.) is 75 ... Washington Institute fellow David Makovsky is 57 (h/ts Jewish Insider) ... Caroline Weisser ... Susan Tomai of Oratorio, which trains leaders from the World Bank, State, etc. on media training and how to put together "killer presentations" (h/t Chris Breene) ...

... **Jackie Berkowitz**, manager of Netflix Originals Documentary Publicity ... NBC and Reuters alum Chris Francescani ... Politico's Marc Sames and Sara Gilliam ... Scott Allen ... Mike Faulman, former Obama W.H. advance staffer and former body man to Mayor Emanuel ... Mollie Leavitt, digital advertising intern for Precision Strategies, is 21 (h/t Ben Weinberg) ... Brian Kamoie, the pride of Altoona, Pennsylvania, former Obama WH alum and current FEMA staffer ... Bush 43 WH alum Leslie Shockley Beyer (h/ts Ed Cash) ... former Rep. Dan Burton (R-Ind.) is 79 ... Campbell Matthews ... Delece Smith-Barrow ... Greg Hitt, VP of global corporate comms at Wal-Mart, is 55 ... Stephen E. Merrill, 77th Governor of New Hampshire, is 71 ... Mason Reynolds, JD candidate at Harvard Law ... SEC economist Max Clarke ... Cole Randle, Obama W.H. travel office alum now an associate at Freshfields Bruckhaus Deringer ... Jessica Straus ... Mary Meagher ... Katherine Riley ... Mary Beth Donahue ... Gordon Stott ... Ellen Golombek (h/ts Teresa Vilmain) ... Dave Marcus ... Gary Maloney ... James Walton ... Laura Icardi ... Roger Jarrell is 47 ... Prince William is 35 ... pop singer Rebecca Black is 2-0 (h/ts AP)

***** **A message from Starbucks:** Starbucks is creating opportunities for young adults facing barriers to success, including 4.9 million young Americans who are not working or in school. We've hired 40,000 young men and women and expanded our goal to 100,000 hires by 2020. These talented, resilient young adults want to be successful and we're also making it easier to access a tuition-free college degree:

<http://sbux.co/2s2qX2g> *****

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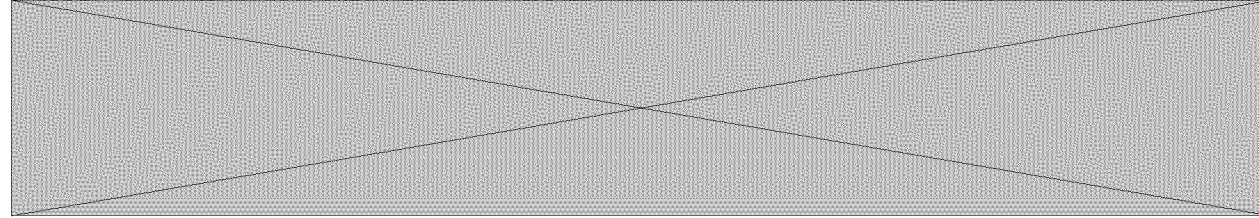
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Subject: AEI Today: The constitutional crisis that almost was

. The constitutional crisis that almost was



AEI's daily publication of independent research, insightful analysis, and scholarly debate

Reuters

The constitutional crisis that almost was

Norman J. Ornstein | *The Washington Post*

The horrific shooting last week on a group of Republican lawmakers playing baseball left House Majority Whip Steve Scalise in critical condition and hospitalized others, including two brave Capitol Police officers. Had the gunman been successful in killing members of Congress, we'd have had an immense crisis of constitutional governance on our hands. This incident is our second major wake-up call. Will Congress finally act?

Twenty20

Don't give parents a pass on education

Frederick Hess | *US News & World Report*

America's schools are in a tough spot. We've made it clear that we expect schools to succeed with every child, which didn't use to be the norm. Twenty-five years ago, US education paid

a lot of attention to the quality of parenting and far too little to the quality of teaching. The new egalitarian ethos is a wonderful thing, but it comes at a cost: Talk of parental responsibility has come to be seen as a case of blaming the victim.

AEI

Hayek: Abusing the power of inflation leads to malaise (1975)

Friedrich von Hayek | AEI

Last week, Lawrence Summers brought inflation back into the headlines with a Washington Post op-ed critical of the Federal Reserve's "preemption of inflation" paradigm. In a 1975 speech at AEI, economist Friedrich von Hayek took on the topic of inflation and recession, arguing that "before we can return to a reasonable stability and perhaps lasting prosperity, I am convinced that we must exorcise [the] Keynesian devil."

Reuters

Argentina's new bond would make Minsky roll in his grave

Desmond Lachman | AEIdeas

Hyman Minsky would have something to say about a country with as checkered an economic history as Argentina successfully placing a 100-year bond on the market. It would have been yet another indication of how little markets learn from past experience. It would also have been a red flag as to how complacent markets have

become about risk — and how likely we are to see another global financial meltdown because of it.

More from AEI

Sen. Elizabeth Warren's debt refinancing plan isn't the solution to student loan woes

Preston Cooper | Forbes

A word of caution before the US rushes to embrace apprenticeships

Andy Smarick | AEIdeas

Remembering Helmut Kohl: The significance of the German-American partnership for Europe — and the world (2004)

Helmut Kohl | Address at the Mandarin Hotel

Last chance to RSVP: Sen. Chuck Grassley discusses reforming criminal justice

Gerard Robinson | AEI event tomorrow at 8:30 AM ET

An economic lesson for the president: As US firms expand and hire overseas, they expand and hire in America, too

Mark J. Perry | AEIdeas

Around the web: The myth of the libertarian voter?

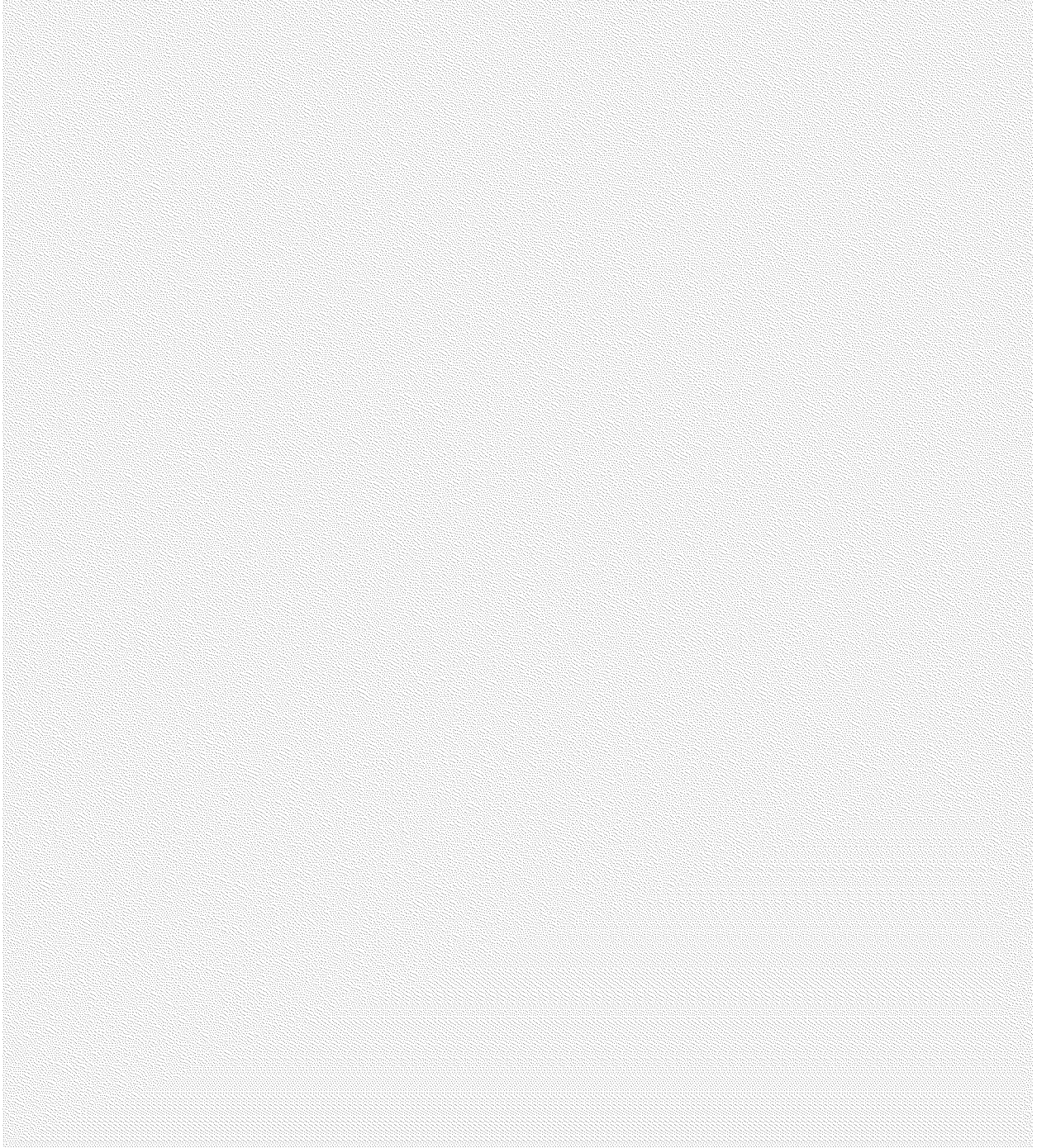
Matt Winesett | AEIdeas

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy
Sent: Wed 6/21/2017 9:48:19 AM
Subject: Morning Energy: Zinke to get grilled over personnel moves — White House plans upcoming Energy Week — Groups huddle over what's next in Dakota Access case

By Anthony Adragna | 06/21/2017 05:46 AM EDT

With help from Alex Guillén, Ben Lefebvre, Annie Snider and Darius Dixon

BUDGET DEFENSE, PART 2: Look for Interior Secretary Ryan Zinke to get interrogated by Senate Democrats today on an Appropriations subpanel about his plans to reorganize senior career officials within his agency. "I'm very worried about the idea that you're moving people who have real serious expertise in an area to an area that they may not know anything about," Sen. Tom Udall, top Democrat overseeing Interior spending, told ME. "It looks like an attempt to make the agency so it doesn't work very well or [so] that the powers that be exercise their will more easily on the agency." Zinke plans to shift as many as 50 senior career staff to new roles and suggested in an agency memo that 1,000 positions at BLM could be eliminated by the end of the year.

More of what's on Udall's mind was in two letters he sent Monday. One, authored with Senate Energy Ranking Member Maria Cantwell, argued Zinke had not properly followed administrative law in suspending key parts of a BLM rule aimed at curbing methane waste from oil and gas operations on public lands. "Nowhere in the Federal Register notice last week did the Department make a finding that industry groups and States are likely to win their lawsuits, suffer irreparable harm if deadlines are not postponed, find the balance of equities tipped in their favor, and that suspending the deadlines is in the public interest," they wrote. "The suspension of parts of the Methane Waste and Prevention Rule seems particularly brazen given that on May 10 the Senate rejected a Congressional Review Act resolution to repeal the rule."

The other letter from Udall, as well as New Mexico Sen. Martin Heinrich and Reps. Ben Ray Lujan and Michelle Lujan Grisham, urged Zinke not to alter any New Mexican national monuments designated under the Antiquities Act. "Rescinding or shrinking to New Mexico's national monuments will cause irrevocable harm to our treasured places, would jeopardize the objects and special values that are protected through the Antiquities Act, and impact positive economic growth in local communities," they wrote. ME expects Udall to raise these issues directly at the hearing today, which kicks off at 9:30 a.m. in Dirksen 124.

PERRY'S HILL APPEARANCE IN QUESTION? Energy Secretary Rick Perry is supposed to make his second Capitol Hill appearance in two days — this time before a Senate Appropriations subpanel — to defend his agency's budget request at 2:30 p.m. today, but that will depend on whether Democrats continue to block committees from meeting after the Senate has been in session for two hours like they did Tuesday. Assuming the hearing takes place, look for top Senate energy spending guru Lamar Alexander to defend the need for robust energy research funding: "Governing is about setting priorities, and the federal debt is not the result of Congress overspending on science and energy research each year," Alexander will say.

ICYMI, Perry told House Appropriators he wasn't trying "to stir something up," but did precisely that when he suggested a former bomb testing site in Nevada might be a site for a temporary waste facility. As Pro's Darius Dixon reports, that comment drew a swift rebuke from Nevada Gov. Brian Sandoval as an "ill-conceived, irresponsible, and likely illegal" idea. Even energy spending cardinal Rep. Mike Simpson told reporters following the hearing it was the first time he'd heard the suggestion.

Perry told the subcommittee there was a "moral and national security obligation" to build nuclear waste storage facilities and said the U.S. could "no longer kick the can down the road." He added DOE would resurrect the office that ran the Yucca Mountain program before being dismantled under the Obama administration. And he said the agency did not plan to close any of its 17 national labs, though he didn't directly address concerns about potential staffing cuts.

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna and let me start with a quick PSA: Send your tips, gossip and leads to Eric Wolff (ewolff@politico.com) and Ben Lefebvre (blefebvre@politico.com) beginning Thursday while I'm off trading nuptials. I'll be back at the helm by mid-week, next week. In the meantime, FERC's John Peschke was first to identify Fred Thompson as the minority counsel on the Senate Watergate Committee turned senator. For today: Who was chair of the House Judiciary Committee during the Watergate process? As always, find me at aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

WHAT WORKS - LIVE IN MIAMI BEACH - Join POLITICO in Miami Beach for a series of one-on-one interviews with mayors from across the country to hear how they are fostering innovation, promoting sustainable cities and implementing change in their regions. *Friday, June 23rd — Doors at 8:30am — Eden Roc — Pompeii Room (4525 Collins Ave., Miami Beach, FL)*
RSVP: here.

NUCLEAR BILL CLEARS HOUSE: Legislation aimed at rewriting a tax credit for nuclear power projects cleared the House by voice vote Tuesday night, Pro's Darius Dixon reports. The bipartisan bill (H.R. 1551), from Reps. Tom Rice and Earl Blumenauer, would open the credits up to projects that power up after 2020 and may offer a lifeline to four new reactors in South Carolina and Georgia. Senate aides have said the measure is unlikely to move as standalone legislation but more likely as part of comprehensive tax reform.

ATTRACTIONS YET TO COME: The White House plans to designate next week as Energy Week, administration and industry sources tell ME. The Trump administration has been promoting its vision of American "energy dominance," calling for more oil and gas drilling on federal lands and waters and greater exports of natural gas to countries like China. The White House pulled together an "infrastructure week" earlier this month as well as this week's "technology week," which included roundtables between industry representatives and high-level administration officials.

The White House hasn't officially announced Energy Week, and its plans are still at an early stage. Three energy industry sources said the White House is trying to coordinate a meeting of energy CEOs next week, but said the exact scheduling still seemed up in the air. The timing

would also coincide with the expected Monday release of the Energy Department's review of policies hurting baseload power on the electric grid.

STATUS CHECK: Litigants in the Dakota Access pipeline lawsuit are back in court today for the first time since last a federal judge last week ruled the government's environmental review of the project was inadequate. They'll hold a status check today at 2:30 p.m. about next steps in the case, including whether the the pipeline should be shut off as the U.S. Army Corps of Engineers addresses those deficiencies in the environmental review. Protesters will rally outside the court at 2 p.m. in support of the Standing Rock Sioux Tribe and the Cheyenne River Sioux Tribe's efforts to fight the project.

That came after U.S. District Judge James Boasberg denied a bid from the plaintiffs to add Trump as a defendant in the case, Pro's Ben Lefebvre reports. He did allow the Standing Rock and Cheyenne River Sioux to add 13 new plaintiffs to their case but ordered them to remove Trump from the complaint.

STATES, GREENS FIGHT METHANE STAY: Thirteen states, along with D.C. and Chicago, have gotten involved to try and reinstate a methane rule for new oil and gas wells. EPA's stay "concretely and negatively affects" the states' interest in controlling methane leaks, protecting public health and combating climate change, they argued in a Thursday filing. Several of the states, including New Mexico and Pennsylvania, noted they are home to many of the wells affected, while others complained that the stay hurts their air quality and climate change efforts. Eleven other states have already gotten involved to defend EPA's stay — and not to be left out, North Dakota and Texas indicated they plan to join that side in a "friend of the court" brief. That comes as environmental groups argued in a court filing Tuesday EPA has no right to favor oil and gas companies over the people who live near their wells and asked a federal court to reinstate the rule, Pro's Alex Guillén reports.

MERGER MULLED: Zinke still might recombine the agency that oversees offshore oil and gas leasing with the offshore safety and environmental watchdog less than a decade after former Interior Secretary Ken Salazar split them in 2010, Pro's Esther Whieldon and Ben Lefebvre report. "We're considering that," Zinke told POLITICO of the potential merger after speaking at a Chamber of Commerce event in Washington. "But the core of the reorganization is how to get the different bureaus to work together in a joint environment." He said to expect "the first blush" of his major plans to reorganize the agency within the next two months.

EPA 'COMPLETELY WIPES' SCIENCE ADVISORY PANEL: Only 11 of 49 subcommittee members on EPA's Board of Scientific Counselors will remain by September after the agency suspended its meetings for the rest of the year, Pro's Annie Snider and Eric Wolff report. The cancellations, announced in a Monday by Acting Administrator for the Office of Research and Development Robert Kavlock in an email to BOSC members, come as the agency considers whether to replace most of the members of the board. "It completely wipes out BOSC," committee Chair Deborah Swackhamer told POLITICO.

The agency has said it wants to hear more input from people who understand how regulations affect the economy and says it has encouraged those with expiring terms to reapply. "We are

taking an inclusive approach to filling future BOSC appointments and welcome all applicants from all relevant scientific and technical fields," EPA spokeswoman Amy Graham said Tuesday.

I'M ALREADY DEAD! Federal scientists are predicting this summer's Gulf of Mexico dead zone is going to be a whopper - sucking the oxygen from a New Jersey-sized swath of the waterway. At 8,185 square miles, the life-smothering dead zone would be the third largest on record since monitoring began 32 years ago. Researchers attribute the extra-big zone to higher-than average amounts of nutrients washing off farm fields and suburban lawns in the massive watershed. The USGS estimates that the equivalent of 2,800 train cars of fertilizer flowed down the Mississippi and Atchafalaya rivers and into the Gulf in May, alone.

HE'S BAAAAACK: Former Energy Secretary Ernest Moniz plans to make a few headlines today by kicking off the creation of the Energy Futures Initiative at the National Press Club. The group purports to be a nonpartisan think tank focused on decarbonizing the economy and create jobs, according to information on the NPC website. "Moniz plans to use EFI to mobilize stakeholders in government, industry, labor and NGOs in creating a clean energy future." The event starts at 10 a.m.

Moniz seems to like groups with "initiative" in the title. Earlier this month, he officially became CEO and co-chairman of the Nuclear Threat Initiative.

TAKING STOCK OF OIL RISKS: A report out today from Carbon Tracker and Principles for Responsible Investment says that five of the world's six largest listed oil companies may misallocate up to 30 percent of their potential spending on projects that aren't needed in a world dedicated to limiting its temperature increases to two degrees Celsius. "Investors in oil and gas companies have been in the dark about their exposure to climate risk, but they will now be able to confront companies with precise information and ask hard questions about how they intend to deal with potentially stranded assets," Nathan Fabian with PRI said in a statement.

REPORT OFFERS ROSY VIEW ON AUTO STANDARDS: A new report from the nonprofit International Council on Clean Transportation says EPA's 2025 auto emissions standards provide benefits totaling more than three times the cost and can be recouped in as few as three years, even with low fuel prices. Based on ICCT's March report that said compliance costs for the standards could be as much as 40 percent below EPA's 2012 projections, the group concludes new cars' fuel savings would go as high as \$2,600 over a vehicle's lifetime, while trucks could save up to \$4,000, all significantly higher than the estimates costs.

BANKS STILL DIG FOSSIL FUELS: The Rainforest Action Network, BankTrack, Sierra Club and Oil Change International and a host of other organizations are out with a report today finding major banks poured \$87 billion into fossil fuels projects in 2016. That's better than recent years, but still incompatible with limiting temperature increases to 1.5 degrees Celsius, the groups argue.

MORE PUSH ZINKE AGAINST ARCTIC DRILLING: Seventeen green groups, including the Alaska Wilderness League, Earthjustice and Wilderness Society, wrote Zinke Monday urging him to reverse course on potentially opening the Arctic National Wildlife Refuge to oil

and gas drilling. "The Coastal Plain of the Arctic Refuge is no place for oil and gas activities, which are prohibited by law," they wrote. "The Coastal Plain should be permanently protected as Wilderness."

RAISE UM' UP: The Department of Interior could do more with more, the GAO says. Raising royalty rates on energy production on federal lands would likely bring more money into federal coffers without cutting much into demand for lease sales, according to GAO's [new report](#). Raising royalties to 18.75 percent from the current 12.5 percent would result in a "negligible" loss in lease demand over 10 years while increasing net federal revenue by \$200 million over the same period.

GRIJALVA PUSHES FOR NOAA BUDGET HEARING: House Natural Resources Ranking Member Raul Grijalva sent Chairman Rob Bishop [a letter](#) Tuesday requesting Commerce Secretary Wilbur Ross testify on the Trump administration's budget request for NOAA. Commerce overall was hit with a 16 percent budget cut, including multiple NOAA programs, as part of the president's budget request.

FLYING IN: The Nature Conservancy expects to hold approximately 250 congressional meetings today as part of its annual advocacy day. They'll be pushing for strong funding for conservation and science programs, as well as support for a "clean, more reliable and low-carbon energy future."

More than 200 members of the National Propane Gas Association are hitting the Hill today to press members on infrastructure, tax reform and delaying the implementation of the Occupational Safety and Health Administration's new crane rule (h/t POLITICO Influence).

MOVER, SHAKER: Michael LaRosa starts on July 10 as comms director for Democrats on the Senate Committee on Energy and Natural Resources under ranking member Sen. [Maria Cantwell](#). He has spent the last six plus years as a producer for MSNBC's "Hardball" with Chris Matthews. (h/t POLITICO Playbook).

Alex Mistri has joined Hess as vice president for government and external affairs; he was previously a managing director for the Glover Park Group.

QUICK HITS

- Inside the Environmental Protection Agency: Paranoia and Stifled Work. [Pacific Standard](#).
- Fisticuffs Over the Route to a Clean-Energy Future. [New York Times](#).
- Oil Bears Are Back as Prices Fall and Driller Shares Take a Hit. [Bloomberg](#).
- Too Hot to Fly? Climate Change May Take a Toll on Air Travel. [New York Times](#).
- Australia warned it has radically underestimated climate change security threat. [The Guardian](#).

— Qatar can weather boycott, foreign investors won't leave: Qatar Petroleum CEO. [Reuters](#).

HAPPENING TODAY

8:30 a.m. — "[Day 1: The Wilson Center-Arctic Circle Forum](#)," Ronald Reagan Building, Amphitheatre, 1300 Pennsylvania Ave. NW

9:30 a.m. — Senate Appropriations Committee [hearing](#) on Interior Department budget w/ Ryan Zinke, 124 Dirksen

10:00 a.m. — National Press Club Headliner [Newsmaker](#) with former Secretary of Energy Ernest Moniz, 529 14th St. NW, 13th Floor

10:00 a.m. — "[Legislative Hearing on Discussion Draft of Helium Extraction Act of 2017](#)," House Natural Resources Subcommittee on Energy and Mineral Resources, 1324 Longworth

10:00 a.m. — "[Leading the Way: Examining Advances in Environmental Technologies](#)," House Science, Space, and Technology Committee's Environment Subcommittee, 2318 Rayburn

10:00 a.m. — Continuation of the [Markup](#) of H.R. 1422, H.R. 1558, H.R. 2246, H.R. 2565, H.R. 2868, H.R. 2875, and H.R. 2874, House Financial Services Committee, 2128 Rayburn

10:00 a.m. — Bloomberg New Energy Finance's [New Energy Outlook 2017](#), Center for Strategic and International Studies, 1616 Rhode Island Avenue, NW

2:30 p.m. — [Hearing](#) to examine DOE's FY2018 budget, Senate Appropriations Energy-Water Subcommittee, 138 Dirksen

3:00 p.m. — "[Addressing Climate Change Through Innovation](#)," Carnegie Endowment for International Peace, 1779 Massachusetts Ave. NW

THAT'S ALL FOR ME!

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/06/zinke-to-get-grilled-over-personnel-moves-023406>

Stories from POLITICO Pro

Zinke to shuffle top Interior Department career staff [Back](#)

By Ben Lefebvre | 06/16/2017 03:15 PM EDT

Interior Secretary Ryan Zinke is shuffling dozens of senior department staff to new positions, reassigning as many as one-quarter of the top career people into new jobs.

A spokeswoman for the agency confirmed the changes were taking place, which Jason Briefel, executive director of Senior Executive Services, told POLITICO could involve as many as 50 people.

That would be "a very large number" compared to the previous shakeups that occur when new administrations take power, Briefel said, and could require some staffers to change jobs in as little as 15 days.

A former Fish and Wildlife Service member told POLITICO a move of that breadth of the staff changes would be "unprecedented," and said the shakeup was rumored to move many of the people between DOI's various agencies.

DOI defended the moves.

"Personnel moves are being conducted to better serve the taxpayer and the department's operations through matching senior executive skill sets with mission and operational requirements," said DOI spokeswoman Heather Swift said. "The president signed an executive order to reorganize the federal government for the future and the secretary has been absolutely out front on that issue."

She decline to give details of the planned job changes.

According to The Washington Post, which obtained a copy of one the letters sent to Interior staff on Thursday, officials who received notices include Interior's top climate policy official, Joel Clement, who directs the Office of Policy Analysis, as well as at least five senior FWS officials.

Among the Fish and Wildlife officials are the assistant director for international affairs, Bryan Arroyo; the southwest regional director, Benjamin Tuggle; and the southeast regional director, Cindy Dohner, according to the paper. BLM New Mexico state director Amy Lueders would move to FWS, while Bureau of Indian Affairs Director Weldon "Bruce" Loudermilk, acting Assistant Secretary of Indian Affairs Michael S. Black and acting Special Trustee for American Indians Debra L. DuMontier would all be reassigned, the paper said.

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Interior could cut BLM staff by end of this year [Back](#)

By Ben Lefebvre | 06/20/2017 02:12 PM EDT

The Interior Department has told the Bureau of Land Management to prepare for staff cuts of 1,000 positions as soon as the end of this year.

Those cuts would be in line with the White House budget proposal released in May, although lawmakers have already said they did not intend to follow that guidance.

In a memo to agency employees, acting BLM Director Michael Nedd conceded that although the White House budget cuts for the agency have not been approved, staff should prepare for the reductions.

"We remain hopeful that the BLM can handle reducing the size of our workforce through normal attrition, retirements, and smart, selective hiring with an emphasis on trying to fill our critical vacancies from within our current workforce," Nedd said in the email. "To accelerate attrition, the Department may also seek authority from the Office of Personnel Management to offer early retirement and voluntary separation incentives later this year."

Neither BLM nor OPM would comment on the plans.

If implemented, the cut would eliminate 10 percent of BLM's staff. But the agency is already operating below full staffing, according to Public Employees for Environmental Responsibility, a nonprofit group representing state and federal workers.

"BLM is ridiculously thinly staffed," PEER Executive Director Jeff Ruch told POLITICO. "They haven't had 10,000 employees for three years. They've already shrunk 10 percent since 2010."

Meanwhile, Congress has already said it would allot more money to Interior than the White House requested.

"I don't expect many of [the cuts] to become a reality, especially those that target popular programs," Sen. Lisa Murkowski (R-Alaska) told Interior Secretary Ryan Zinke during a Senate Energy and Natural Resources Committee budget hearing this morning.

To view online [click here](#).

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Perry: Moving nuclear waste is a 'moral' obligation [Back](#)

By Darius Dixon | 06/20/2017 02:51 PM EDT

Energy Secretary Rick Perry told lawmakers this afternoon that building nuclear waste collection sites is a "moral and national security obligation" for the nation.

"We can no longer kick the can down the road," he said.

The former Texas governor also indicated that DOE is reconstituting its Office of Civilian Radioactive Waste Management, which ran the Yucca Mountain program and was dismantled under the Obama administration, while the Yucca project moves through the Nuclear Regulatory

Commission's licensing process.

"This is a dual track [effort]," Perry told the energy and water subpanel of the House Appropriations Committee. "We need to be doing what we're doing — stand up the office, move towards having an orderly transition back to following the law — while the NRC is following their licensing." Those plans were previously reported by POLITICO.

When pressed further about how DOE plans to rebuild its nuclear waste office while waiting for fiscal 2018,

Perry acknowledged that DOE has some holdover funds to begin rebuilding nuclear waste office while it awaits new funding in the 2018 budget. He also said that doing so would "clearly send the message that that is the direction."

President Donald Trump's budget proposal includes \$120 million to restart licensing activities for Yucca and an interim storage program.

While saying that he didn't want "to stir something up," Perry suggested that the Nevada test site could also be another option for a temporary waste facility along with sites in New Mexico and Texas.

WHAT'S NEXT: The House Appropriations Committee has not yet scheduled the release of their energy and water spending bill. Lawmakers are hoping to get some of the 12 spending bills on the floor in July.

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Nevada governor slams Perry suggestion to store nuclear waste in state [Back](#)

By Darius Dixon | 06/20/2017 05:11 PM EDT

Energy Secretary Rick Perry drew a swift rebuke from Nevada Gov. Brian Sandoval today after floating the idea of storing nuclear waste at a former bomb testing site in the state.

Perry told a House Appropriations subcommittee today that the Nevada National Security Site could serve as an interim waste site while the Energy Department finishes evaluating plans for a permanent repository at nearby Yucca Mountain.

"Today's comments ... come as a complete blindside and I view this as a total disregard and failure to honor the historical process," Sandoval said in a statement. The Republican governor, a friend of Perry, added the idea was "ill-conceived, irresponsible, and likely illegal."

Sandoval also said he'd asked Nevada Attorney General Adam Paul Laxalt to review the idea of storing waste at the site and "identify legal avenues to stop it."

He added: "This is further than even the most fervent pro-Yucca advocates have gone and like Yucca Mountain, this idea is a non-starter."

Perry told members of the energy and water spending panel: "I'm not wanting to stir something up here just for the sake of stirring something up, but if we're truly looking for the proper places to interimly store some waste, that test site has the potential to do that as well."

Perry's suggestion was also new to energy spending cardinal Rep. [Mike Simpson](#).

"It was actually the first time I'd heard that," the Idaho Republican told reporters after the hearing. "It probably raises some eyebrows [in Nevada] about 'Are you going to put everything here?'"

WHAT'S NEXT: Perry told appropriators that DOE was already making efforts to reconstitute its nuclear waste office before fiscal 2018 funds are approved, but he hasn't given a clear timeline for any announcements.

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Perry: DOE does not plan to shutter national labs [Back](#)

By Darius Dixon | 06/20/2017 04:02 PM EDT

Energy Secretary Rick Perry said today that he does not plan to close any of its 17 national labs, but he steered around concerns about potential staffing cuts at the Energy Department.

"There's not any of these labs that are going to be shut down, obviously," Perry told the energy and water panel of the House Appropriations Committee. "These labs are going to be continuing to be the future of this country from the standpoint of innovation and technology."

Republican Rep. [Dan Newhouse](#) estimated that President Donald Trump's fiscal 2018 budget proposal would cut about \$200 million from DOE's Pacific Northwest National Lab in his Washington district.

"Let me tell you what that means in human terms," Newhouse said. "That would be a loss of a thousand jobs." He also asked Perry to square how Trump administration's proposal to make deep cuts in DOE science and technology programs doesn't hurt U.S. leadership in research.

Perry pushed back by saying that translating spending cuts directly into program changes at DOE was a "cold" and "sterile" interpretation.

"It doesn't take into account our being able to manage, our being able to use year-end extended

balances," Perry said.

But while Perry insisted that DOE wouldn't scale down its research mission, he didn't address Newhouse's concern about staffing levels directly.

"I am comfortable that we will manage these labs in a way that continues to keep the employment levels at the levels to deliver the innovation and the technology this country's going to need," Perry said.

WHAT'S NEXT: Perry is scheduled to testify before the energy and water subpanel of the Senate Appropriations Committee on Wednesday, although that session may have to be canceled if Democrats continue to block afternoon hearings as they did today.

To view online [click here](#).

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House easily approves nuclear tax extension [Back](#)

By Darius Dixon | 06/20/2017 05:28 PM EDT

The House passed legislation tonight aimed at rewriting a tax credit for nuclear power projects that may decide the fate of four reactors in South Carolina and Georgia.

The bipartisan bill, H.R. 1551, from Reps. [Tom Rice](#) and [Earl Blumenauer](#) was passed on a voice vote and would open the credits up to projects that power up after 2020. The bill was approved on by the House Ways and Means Committee last week.

The credits — worth billions of dollars to the companies building Summer and Vogtle nuclear expansions — currently require that new reactors be in service by the end of 2020 to qualify. But that timeline became essentially impossible for the SCANA and Georgia Power following the bankruptcy of their contractor, Westinghouse, earlier this year.

WHAT'S NEXT: Sen. [Tim Scott](#) has introduced the Senate version of the legislation, S. 666, but Senate aides have said that the chamber is likely to move the measure as part of comprehensive tax reform rather than as a standalone bill.

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Judge orders DAPL plaintiffs to drop Trump as defendant [Back](#)

By Ben Lefebvre | 06/20/2017 04:26 PM EDT

A federal court judge today blocked a bid by plaintiffs in a Dakota Access pipeline lawsuit from naming President Donald Trump as a defendant.

U.S. District Judge James Boasberg's June 19 motion allows the Standing Rock and Cheyenne River Sioux to add 13 new plaintiffs to their case but ordered them to remove Trump from their complaint. The new plaintiffs had been pursuing a parallel case against DAPL that had named Trump as a defendant and alleged that his January 24 Presidential Memorandum ordering the Army Corps of Engineers to expedite the DAPL review was "without legal authority."

Boasberg dismissed that claim in the case that has already gone on nearly a year. In March, the judge rejected an injunction the tribes requested to halt DAPL's completion, and oil has already started flowing through the line that connects North Dakota oil fields to storage facilities in Illinois.

"They agree to dismiss all claims asserted in their Proposed Complaint against President Donald Trump, such that their Complaint shall be coterminous with the Complaint of the current Plaintiffs in the case," the tribes said in response to the judge's order.

A White House spokeswoman did not immediately comment.

WHAT'S NEXT: Lawyers in the case will hold a conference on June 21.

To view online [click here](#).

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Greens pan EPA defense of stay on methane rule [Back](#)

By Alex Guillén | 06/20/2017 03:43 PM EDT

Environmental groups today asked a federal court to reinstate EPA's methane rule for new oil and gas wells, arguing the agency has no right to favor oil and gas companies over the people who live near their wells.

EPA put the rule on hold for 90 days while it reconsiders several key provisions, a decision that would save millions of dollars in compliance costs. But the agency said that decision would not create a public health emergency because leaving the rule in place would prevent just 0.046 percent of annual industry emissions.

Environmental groups said that EPA's justification violated the Clean Air Act by ignoring the residents who live downwind from drilling operations, especially children, people with asthma and other groups most vulnerable to air pollution.

"It is irrelevant because it does not reduce the burden felt by Petitioners' members who live near

sources whose emissions would be abated but for the unlawful stay, especially those in nonattainment areas where *any* additional VOC emissions may increase local ozone concentrations," the groups wrote in their [brief](#) today. "And it is disingenuous because those massive emissions are the result of EPA's own failure to regulate existing oil and gas wells."

The green groups also panned EPA's arguments that the industry would face millions of dollars' worth of compliance if the stay were lifted when "these same wells produce billions of dollars of revenue annually."

WHAT'S NEXT: The D.C. Circuit Court of Appeals will decide whether to grant environmentalists' emergency request to lift EPA's stay of the methane rule. There is no specific deadline to do so, but the court has indicated it will consider the request on an expedited timetable.

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Zinke still considering merging offshore oil leasing, safety agencies [Back](#)

By Esther Whieldon and Ben Lefebvre | 06/20/2017 06:09 PM EDT

Interior Secretary Ryan Zinke confirmed Tuesday he is still mulling recombining the agency that oversees offshore oil and gas leasing with the offshore safety and environmental watchdog.

The possible integration of the Bureau of Ocean Energy Management and Bureau of Safety and Environmental Enforcement could bring the two agencies back together less than a decade after former Interior Secretary Ken Salazar used a secretarial order to split them in 2010. The move took more than a year and millions of dollars to achieve.

"We're considering that," Zinke told POLITICO of the potential merger after speaking at a Chamber of Commerce event in Washington. "But the core of the reorganization is how to get the different bureaus to work together in a joint environment."

Zinke expects to unveil "the first blush" of his department-wide reorganization plans "in the next 60 days or so," he said in his speech.

Zinke has yet to lay out the benefits that merging the BSEE and BOEM would bring. But critics have called a possible merger a step back to the days when the government's offshore safety regulators were seen as being too close to the companies bidding to drill for oil and gas in federal waters.

"The offshore drilling bureau charged with leasing as much federal land as possible, as quickly as possible, shouldn't merge with the bureau responsible for ensuring safe drilling," Sen. [Ed Markey](#) (D-Mass.) said in an emailed statement.

Following Zinke's announcement last month, acting BOEM Director Walter Cruickshank said in an [email](#) to staff that there was little additional information to share with them except that Zinke expected to mull the merger over the summer.

"At this time, we don't have more details on what the Secretary is considering, but I will make information available to you when I have it," Cruickshank said in a note obtained by POLITICO under the Freedom of Information Act.

A merger of the two agencies may be one reason Zinke picked Scott Angelle to lead BSEE in late May, industry lobbyists said. Angelle oversaw Louisiana's oil and gas leasing and drilling operations in his role at the state's Office of Mineral Resources before coming to the Interior Department, which would align more closely with BOEM's role than the more safety-orientated BSEE that he now leads.

Interior created BSEE and BOEM in 2010 in the wake of the Deepwater Horizon explosion in the Gulf of Mexico, when their operations had been under the Minerals Management Service umbrella. A series of scandals at MMS also helped convince Interior officials at the time that the agency "could not keep pace with the challenges of overseeing industry operating in U.S. waters."

BSEE's 881 employees conduct more than 21,000 inspections per year, checking on nearly 2,400 offshore oil and gas drilling and production facilities, according to Interior budget documents. BOEM, for its part, oversees more than 3,000 active oil and gas leases across more than 16 million acres of federal waters.

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EPA suspends science committee's work, mulls replacing most members [Back](#)

By Annie Snider and Eric Wolff | 06/20/2017 03:27 PM EDT

EPA is suspending meetings of a key scientific advisory committee for the rest of this year while the agency considers whether to replace most of its members.

The agency told members of the Board of Scientific Counselors that they would have to reapply for their seat if their first term expires this August or next March, rather than being automatically reappointed for a second three-year term as has traditionally been the case. Acting Administrator for the Office of Research and Development Robert Kavlock's [email](#) to BOSC members on Monday announcing the change follows a previous [decision](#) not to automatically re-up members whose term ended in April of this year.

"It completely wipes out BOSC," committee Chair Deborah Swackhamer told POLITICO. She

pointed out that the committee was about to begin a major review of the agency's research programs as it plans for the next five years' worth of work.

The new round of notices means only 11 of 49 subcommittee members will remain after August, Swackhamer said. The board's executive committee, which typically has around 20 members, will be down to just three, she said. EPA said they will be allowed to submit new applications.

"At the very least, this slows down BOSC's activity by nearly a year," Swackhamer said. "It also bodes poorly for other committees at EPA — one-third of the flagship Science Advisory Board is due to complete their first term in September."

The agency has previously said that Administrator Scott Pruitt wants to hear more input from those who understand how regulations affect the economy.

"EPA is grateful for the service of all BOSC members, past and present, and has encouraged those with expiring terms to reapply," EPA spokeswoman Amy Graham said Tuesday. "We are taking an inclusive approach to filling future BOSC appointments and welcome all applicants from all relevant scientific and technical fields."

Kavlock's email made clear that anyone interested in applying for a second term had to submit their nomination by a June 30 deadline laid out in the Federal Register.

"Because of the need to reconstitute the BOSC, we are canceling all subcommittee meetings initially planned for late summer and fall," Kavlock wrote. He said EPA's goal was for the committee and subcommittees to "resume their work in 2018."

To view online [click here](#).

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From: Joe Pompeo - POLITICO Media
Sent: Wed 6/21/2017 9:47:19 AM
Subject: Morning Media, presented by American Optometric Association: Hardest job to fill in Washington? — Media investments of the moment — Cryptocurrency journalism takes flight

By Joe Pompeo | 06/21/2017 05:45 AM EDT

With Cristiano Lima, Hadas Gold and Alex Weprin

TAKE IT AWAY, MAGGIE HABERMAN AND GLENN THRUSH: "The opportunity to take over behind the White House briefing room lectern would be the apex of a political operative's career in any other presidency, a path to riches, fame and power. But after weeks of fitful efforts to sell a job that for decades people have plotted to get, no one has jumped at the chance to become President Trump's new press secretary, leaving the president -- at least for now -- with his beleaguered frontman, Sean Spicer. ... Mr. Spicer conceded what has been known for weeks: that the White House has solicited interest from a range of people, sometimes approaching them repeatedly even when they've said no. ... Yet few have been a good fit -- and most Republicans in Washington said it would be among the hardest jobs to fill in the Trump administration.

"The biggest shift Mr. Trump is discussing is a dramatic change to the briefing room schedule, including limiting briefings that he has described as a "spectacle" to once a week and asking reporters to submit written questions. Some of Mr. Trump's outside advisers, including the Fox News host Sean Hannity, have urged him to curtail the freewheeling -- and often embarrassing -- barrage of questions. Mr. Trump has been particularly irked by CNN, and other allies such as former House Speaker Newt Gingrich have suggested banning the cable network." More in today's New York times: "['I'm Right Here!' Sean Spicer Says While Toiling to Find Successor](#)"

RELATED: P.R. PROS WANT NO PART OF THE WHITE HOUSE COMMS TEAM - A vast majority of public relations professionals say they would turn down a hypothetical position in the administration, according to a [new survey](#) out of the University of Southern California's Annenberg School. Nearly 9 out of 10 in the field said they'd reject offers for the press secretary, counselor to the president and deputy press secretary positions currently filled by Spicer, Kellyanne Conway and Sarah Huckabee Sanders. In fact, a "majority of PR practitioners believe" those three "have made a negative impact on the perception of their profession." Here's Fred Cook, director of USC Annenberg's Center for Public Relations: "It's clear from the results ... that the PR industry would prefer to distance itself from the current White House communications team, whose practices are not reflective of the values of the broader industry." [Full results](#).

**** A message from the American Optometric Association:** More than 5,000 Doctors of Optometry and students from all 50 states are in DC to spotlight Optometry's expanding role in the health care system and key advancements in patient-centered care. For more information on the essential primary care being provided by optometrists -- America's family eye doctors - in communities across the country, visit www.aoa.org. **

TIPS AND COMMENTS: jpompeo@politico.com / [@joepompeo](https://twitter.com/joepompeo). **Morning Media** is edited by **Alex Weprin** ([@alexweprin](https://twitter.com/alexweprin) / aweprin@politico.com) and produced with writing/reporting help from **Cristiano Lima**. (clima@politico.com / [@ludacristiano](https://twitter.com/ludacristiano)). **Hadas Gold** contributed to today's column. [Archives](#). [Subscribe](#).

CNN'S 'GREAT BIG' INVESTMENT - CNN raised eyebrows yesterday with news that the network is pouring \$40 million -- one of the largest investments ever for CNN Digital -- into its "Great Big Story" platform for offbeat videos, and turning it into a 24-hour streaming channel with a mix of live programming and longer, feature length films. It's the "latest example," as [Bloomberg noted](#), "of a fast-moving convergence in television, where traditional channels are pouring money into online startups to make shows for a younger, cord-cutting generation."

The cynical take, per a TV exec who was chatting with Hadas Gold but wouldn't let her use their name: "Sounds like the latest trend at Cannes" -- the annual ad-industry bonanza on the French Riviera where big shots like Shane Smith and Jeff Zucker are sipping flutes of sparkling rosé this week -- "is an investment measurement contest. Vice announces a massive infusion of cash and a valuation of nearly \$6 billion and within 24 hours there's an aggressive investment [from CNN] that feels a bit like bringing a knife to a gunfight."

SPEAKING OF THAT \$450M VICE INFUSION - Is the company *really* worth \$5.7 billion? "At first glance, it looks like big number," [one astute media analyst tells the FT](#) . "But Vice has been gradually building up to this valuation. ... They have been around for a long time and have diversified into a lot of areas that they need to be in. They have made intelligent expansion decisions and they understand the millennial audience they are trying to reach. ... A lot of companies that have tried to talk to millennials do it in a very clumsy or pandering way. But with Vice it feels very genuine and comes from the ground up whereas other companies approach millennials from the top down."

WHILE WE'RE ON THE GENERAL SUBJECT, WHAT ABOUT THE BUZZFEED IPO? [From Variety's cover story this week](#) : "CEO Jonah Peretti ... may find his work cut out for him if an IPO is what he pursues to bring liquidity to investors, including NBCUniversal, that have been with the company for varying lengths over its decade-long history. Going public would be met with considerable skepticism among BuzzFeed watchers, including current and former employees who spoke with Variety about the company's ability to achieve a successful IPO. ... At a time when an unusual number of media companies are considering IPOs ... they all may find that being in the content business is a knock against them on Wall Street."

Peretti: "It's one possible path for us. We certainly wouldn't IPO until we feel we're ready to IPO. The goal is to build a company for the long term, and build a strong, independent company. And one natural path would be to IPO. But we're not under any pressure to IPO. [Full Q&A is here](#)."

MUST READS:

-- "Despite Concerns About Blackmail, Flynn Heard C.I.A. Secrets" [\[NYT\]](#)

-- "Is North Carolina the Future of American Politics?" [[NYT Mag](#)]

-- "How An Entire Nation Became Russia's Test Lab for Cyberwar" [[Wired](#)]

-- "She was the town's leading heroin dealer. She was 19 years old" [[The Guardian](#)]

TV'S TRUMP EFFECT - [Also in Variety](#) : "President Donald Trump has roiled everything from national politics to environmental policy. Now he could be reworking the norms of TV advertising. Advertisers are lining up in TV's upfront negotiations to make advance commitments in news and late-night programs that are focused on the nation's current stormy, politics-driven news cycle. In some cases, advertisers are chasing these shows even ahead of primetime fare, according to three people with knowledge of the discussions. These people say programs including 'Today,' 'Good Morning America,' 'CBS This Morning,' 'The Late Show with Stephen Colbert,' 'The Tonight Show Starring Jimmy Fallon,' 'Jimmy Kimmel Live' and others are getting more emphasis from Madison Avenue than in previous years. There is a 'Trump carryover effect,' said one media buying executive with knowledge of current talks."

MANNING LEAKS NOT SO HARMFUL AFTER ALL? - After years of the government stressing the supposed national security impact of former Army private Chelsea Manning's massive disclosure of military documents, a secret report [obtained by BuzzFeed](#) has cast serious doubt on how much harm the leaks actually caused: "Regarding the hundreds of thousands of Iraq-related military documents and State Department cables provided by the Army private Chelsea Manning, the report assessed 'with high confidence that disclosure of the Iraq data set will have no direct personal impact on current and former U.S. leadership in Iraq.' The heavily redacted report also determined that a different set of documents published the same year, relating to the US war in Afghanistan, would not result in 'significant impact' to US operations." [Read on here.](#)

BILL O'REILLY AND ONE AMERICA NEWS NETWORK WEREN'T MEANT TO BE - "We are pulling offer to @billoreilly, it could have paid him more than he made at Fox," Robert Herring, CEO of the conservative TV channel, [tweeted](#) yesterday afternoon. "We wish him luck." What's the deal? "Very simple. No Drama," Herring told Hadas when she asked him about it. "We contacted him in April, he sent us to his Agent. They were to take a meeting in late May. We sent them a solid proposal first week in June. They have not responded, so we pulled our offer so that we can pursue other talent. He has been talking about starting his own endeavor and we wish him luck and would help him if we can." So really, who rejected who?

REVOLVING DOOR:

-- **The New York Times has named a new deputy editorial page editor**, Kathleen Kingsbury, who's leaving her job as The Boston Globe's managing editor for digital. Kingsbury previously served on the Globe's editorial board, where she won the 2015 Pulitzer Prize for editorial writing. [Announcement.](#)

-- **As Hadas [reported first yesterday](#), NBC News has snagged Wall Street Journal White**

House correspondent Carol Lee. The former WHCA president (and POLITICO alumna!) will be a national political reporter for the network, appearing across all platforms.

-- **"Hardball" producer Michael LaRosa is leaving MSNBC to join the Senate Energy and Natural Resources committee** as the communications director for the minority under Sen. Maria Cantwell.

-- **Congratulations to our colleague Hanna Trudo**, a senior web producer who is joining National Journal's Hotline to cover national political stories about the midterms and beyond.

FIRST IN MORNING MEDIA: NEXT-LEVEL-FUTURISTIC JOURNALISM PROJECT -

Are you well-versed in cryptoeconomics? Blockchain technology? Token funding? Neither are we! Which is why we should probably just play it safe and let the press release speak for itself: "[Civil](#) today announced plans to raise funds to build the first truly decentralized platform for journalism. A [whitepaper](#) ... details Civil's plans to build the blockchain-powered marketplace on Ethereum, the cryptocurrency that is becoming widely popular for launching new businesses that disrupt old internet business models. ...

"Civil's whitepaper details plans to create 'newsrooms' -- blockchain-based marketplaces where citizens and journalists can form communities around a shared purpose and set of standards. Civil will be powered by its token, CVL. Funding for the effort ... will largely come from distributing the first batch of tokens later this year, in a process that will focus on broad and diverse public participation among future users, particularly journalists." Intrigued? [Click here to read the whitepaper](#).

Sidenote: Helping Civil get this thing off the ground on the journalism side are none other than our former colleagues Tom McGeever, Josh Benson and Katherine Lehr, who previously launched POLITICO's state bureaus. Per the release, they're "currently working together on a new media endeavor" (news!) and "will be bringing together a team of journalists to launch the network."

SOUNDTRACK: Gary Glitter, "[Do You Wanna Touch Me](#)"

EXTRAS:

-- "The New York State Division of Human Rights is investigating Fox News for allegations of sexual harassment and discrimination, according to attorney Lisa Bloom." [[Variety](#)]

-- Salena Zito profile: "Drive-by journalism in Trumplandia" [[CJR](#)]

-- Today: "Members of Congress and the Washington, DC Press Corps battle it out on the softball field to raise funds and awareness for young women with breast cancer." [[congwomensoftball.org](#)]

-- Looks like Axios is launching a "Media Trends" newsletter. [[Axios](#)]

-- Take a tour of Bloomberg's new European headquarters in London -- soon to be completed.
[Bloomberg]

**** A message from the American Optometric Association:** Through the delivery of personalized care and comprehensive eye exams, doctors of optometry help ensure precise and healthy vision, identify and treat glaucoma and serious infections and provide early diagnosis of threats to overall health, including hypertension, stroke and diabetes, which may have no obvious symptoms. The doctor-patient relationship is at the heart of optometry practices serving thousands of communities across the country. With health care legislation a priority, AOA member doctors and students are asking Senators and House members to:

- Co-sponsor the AOA & ADA-backed bi-partisan Dental and Optometric Care Access Act (HR 1606).
- Vote to eliminate the health insurance industry's anti-trust exemption (bi-partisan HR 372, passed the House 416-7, March 22nd).
- Demand that Federal bureaucrats withdraw their scheme to impose costly mandates targeting eye doctors.
- Keep primary eye health and vision care a priority for the VA.
- Require patient health safeguards and quality care standards on remotely attempted care.

For more information, visit www.aoa.org. **

To view online:

<http://www.politico.com/media/tipsheets/morning-media/2017/06/21/hardest-job-to-fill-in-washington-media-investments-of-the-moment-cryptocurrency-journalism-takes-flight-001295>

To change your alert settings, please go to <https://secure.politico.com/settings>

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Wed 6/21/2017 2:18:08 AM
Subject: BREAKING NEWS: Republican Handel wins Georgia special election

Republican Karen Handel has won Georgia's special House election, holding a longtime GOP district in the Atlanta suburbs after a record-setting \$50 million campaign.

Handel had 52 percent of the vote to Democrat Jon Ossoff's 48 percent when the Associated Press called the race with 80 percent of precincts reporting. Handel's win preserves Republicans' 24-seat majority in the House.

See <http://www.politico.com/story/2017/06/20/georgia-election-results-ossoff-handel-239778> for full results of today's voting.

To change your alert settings, please go to <https://secure.politico.com/settings/settings>

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Wed 6/21/2017 1:16:41 AM
Subject: BREAKING NEWS: Republican wins South Carolina special election

Republican Ralph Norman has won South Carolina's special House election to replace Office of Management and Budget Director Mick Mulvaney in Congress.

Norman defeated Democrat Archie Parnell in a closer than expected race for South Carolina's 5th District on Tuesday night. Norman had 52 percent of the vote to Parnell's 48 percent when the Associated Press called the race with 89 percent of precincts reporting.

See <http://www.politico.com/story/2017/06/20/georgia-election-results-ossoff-handel-239778> for full results of today's voting.

To change your alert settings, please go to <https://secure.politico.com/settings/settings>

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Wed 6/21/2017 12:16:22 AM
Subject: June 21 -- Daily Environment Report



Daily Environment Report

June 21, 2017 - Number 118

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Leading the News

EPA

EPA to Let More Research Office Science Advisers' Terms Lapse

The Environmental Protection Agency in August will let go dozens more scientists who advise the agency's Office of Research and Development on its priorities and cancel all of the board's subcommittee meetings in 2017, according to a letter obtained by Bloomberg BNA.

Oil & Gas

Zinke Preparing to Reshape Interior Through Personnel

A hiring freeze the Interior Department instituted for staff in the Washington and Denver metropolitan areas is a first step toward its shrinking middle and upper management and shifting more personnel into local and state offices, Interior Secretary Ryan Zinke said June 20.

Radioactive Waste

Interim Waste Storage Possible at Yucca Mountain: Perry

Energy Secretary Rick Perry isn't only eyeing Yucca Mountain for permanent nuclear waste storage.

News

Climate Change

NYC Planners Say Storm Barrier May Come Too Late

The warming Atlantic Ocean has raised the risk of another Hurricane Sandy. And still, trillions of dollars of real estate and infrastructure near the shores of New York City and northern New Jersey remain vulnerable to devastation.

EPA

EPA Could Offer 1,228 Employees Buyouts, Union Says

As many as 1,228 EPA employees will be eligible for buyout offers, according to a proposed memorandum of understanding on the offers released by the agency's union.

Emergency Response

Trump's Emergency Manager Earns Support of Climate Advocates

Brock Long was cleared by the Senate to become President Donald Trump's emergency-management director June 20 after gaining the support of one unlikely constituency: environmentalists.

Energy

Court Upholds Plant Performance Rule in Largest U.S. Power Grid

A U.S. appeals court found that the power plant performance standard in PJM Interconnection's annual forward capacity auction is proper, according to a recent opinion.

Energy

Energy Department Grid Study Expected in June, Perry Says

The Department of Energy's highly anticipated study on the U.S. power grid and how it can help coal and nuclear power "should be" available by the end of the month, Energy Secretary Rick Perry said June 20.

Energy

Green Groups Critical Ahead of Trump Power Grid Report

Critics aren't waiting for opening night to pan a Trump administration study on the U.S. power grid they believe will demonize renewable energy while promoting coal and nuclear generation.

Energy

Nuclear Power Tax Credit Extension Bill Passes House

The House passed a bill June 20 that would extend a nuclear power production tax credit pursued by the energy industry.

Enforcement

'Sue and Settle' Legislation Expected to Start Moving Soon

The House is expected to start moving as early as this summer to pass legislation that would add new public comment requirements to "sue-and-settle" citizen lawsuits, addressing many Republicans' issues over certain types of environmental litigation.

Forests

Brazil President Vetoes Measures to Reduce Amazon Protected Areas

Brazil President Michel Temer in a surprise move June 19 vetoed two measures that would have reduced by more than 2,200 square miles two protected areas in the eastern Amazon.

International Climate

U.S. Exit From Climate Pact Triggers Worries on Transparency

The U.S. exit from the Paris climate pact raises the prospect that the one nation pushing China, India, and other rapidly developing nations for more transparency in their climate actions won't be co-chairing a panel sorting out those rules.

Liability Parties

Allnex Can't Escape Liability for Chemical Plant Cleanup

Chemical manufacturer Allnex (Luxemborg) & Cy S.C.A. is on the hook for \$35.1 million in cleanup costs for toxic spills at a chemical plant it bought from Cytec Industries Inc., the Southern District of New York ruled (Cytec Indus. Inc. v. Allnex (Luxembourg) & Cy S.C.A., 2017 BL 208769, S.D.N.Y., No. 14-cv-1561, 6/19/17).

Michigan

Site Owner Can't Recover Cleanup Damages Under Access Law

The owner of contaminated site can't recover damages from a prior owner under the Michigan site access law for a tardy cleanup, the Sixth Circuit said June 19 (Newell Brands, Inc. v. Bosgraaf, 6th Cir., 16-02331, 16-2403, unpublished 6/19/17).

Oil & Gas

Oil, Gas Revenue Must Be Used for Conservation, Pa. Court Rules

Revenue generated by oil and gas development on public land may only be used to conserve and maintain the state's natural resources, the Pennsylvania Supreme Court held June 20.

Pesticides

Hundreds of Scientists Recommend Better Oversight of Germ-Killers

More than 200 scientists and health professionals are urging consumers to avoid two common germ-killers, while recommending that regulators better label products with the chemicals and evaluate the risks the substances may pose to health and the environment.

Pipeline Safety

Pipeline Agency Says It Won't Enforce Obama Gas Storage Regs

Regulations for natural gas storage sites put in place after the Aliso Canyon natural gas leak won't be enforced, PHMSA announced.

Renewable Energy

Brazil Bank Approves \$312 Million in Loans for Wind Farms

The Brazilian Development Bank approved 1.04 billion reais (\$312 million) in low-cost financing for three utilities to develop wind complexes that will generate enough energy to power 700,000 homes.

Renewable Energy

Lyon Group Plans \$501 Million Australia Solar, Storage Project

Lyon Group will build a A\$660 million (\$501 million) solar and battery storage project in the Nowingi district of Victoria by January 2018 combining a 250-megawatt solar-power station with 160 megawatt-hours of storage, according to a June 20 statement.

Risk Assessment

EPA Extends Time to Plan 10 Chemical Risk Assessments

The EPA is extending the time it will take to prepare its strategy to evaluate the risks of 10 chemicals and giving chemical manufacturers, states and other interested parties until Sept. 19 to comment on the problems the agency should examine.

Toxic Substances

EU Chemicals Agency Tightens Restrictions on Phthalates

A European Chemicals Agency committee adopted an opinion in favor of a wide-ranging restriction under the European Union's REACH law, which would have the effect of largely prohibiting four hazardous phthalates from consumer products sold in the bloc.

Toxic Substances

Lumber Liquidators Dodges Some Toxic Flooring Claims

Lumber Liquidators won dismissal of some homeowners' claims over alleged formaldehyde contamination in its Chinese-made laminated flooring products, but the Eastern District of Virginia declined June 20 to dismiss other allegations (In re Lumber Liquidators Chinese-Manufactured Flooring Prods. Mktg., Sales Practices & Prods. Liab. Litig., 2017 BL 210393, E.D. Va., No. 15-md-2627, 6/20/17).

Water Pollution

Minnesota Lacked Proper Permit for Water Transfer: Court

A Minnesota agency erred by not obtaining a federal permit for a construction project affecting a lake's water level, the state's appellate court ruled.

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Daily Environment Report for EPA

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Bloomberg BNA
Sent: Tue 6/20/2017 11:53:27 PM
Subject: June 20 -- Energy and Climate Report



Energy and Climate Report

June 20, 2017 - Number 118

News

Climate Change

NYC Planners with Sandy Nightmares Say Barrier May Come Too Late

The warming Atlantic Ocean has raised the risk of another Hurricane Sandy. And still, trillions of dollars of real estate and infrastructure near the shores of New York City and northern New Jersey remain vulnerable to devastation.

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Energy and Climate Report

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO
Sent: Tue 6/20/2017 11:44:15 PM
Subject: LIVE RESULTS: Follow live coverage of Georgia's special election

Results are beginning to trickle in as Republican Karen Handel and Democrat Jon Ossoff face off for Georgia's 6th Congressional District. The special House election has drawn nationwide attention as a referendum on President Donald Trump.

Follow along with the latest precinct-by-precinct results: <http://politi.co/2sNKPzT>

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Tue 6/20/2017 10:40:43 PM
Subject: Today on Climate Beat

June 20, 2017

Today on Climate Beat . . .

. . . we talked taxes, bringing you news in our morning roundup that four oil and gas majors, as well as several corporate giants and policy leaders, have joined a push led by former GOP officials for Congress to address climate change through a carbon tax and dividend plan.

On the personnel front, EPA is moving forward with plans for encouraging voluntary departures of its employees and appears to have identified a “maximum number” of 1,228 employees that will be able to take advantage of agency “separation” offers in fiscal year 2017.

And in science news, EPA is halting all planned actions by its Board of Scientific Counselors, which reviews the agency's research agenda, for the remainder of 2017 while it works to appoint new members, according to press reports.

[READ THE CLIMATE BEAT →](#)

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: InsideEPA/climate
Sent: Wed 11/29/2017 12:40:49 PM
Subject: The Morning Headlines from InsideEPA/climate -- November 29, 2017

November 29, 2017

House Lawmaker Sees 'Bites' At Carbon Tax Despite Limited Hill Prospects

Even as Congress shows no sign of taking up a carbon tax in pending tax reform legislation, Rep. John Larson (D-CT), a longtime supporter of such a fee, is suggesting that it remains a viable option to address climate given policy and political pressures that could keep the idea alive as a reaction to pending GOP tax legislation or as part of an infrastructure package.

Little Policy Advocacy At EPA Hearing On Clean Power Plan Repeal

The first day of EPA's hearing on the Trump administration's plan to repeal the Clean Power Plan (CPP) was consumed by competing rhetoric over the Obama administration's alleged "war on coal," with little policy advocacy beyond industry renewing its calls for a replacement and environmentalists reiterating their push to preserve the rule.

New DOE Fossil Chief Touts CCS Technology But Punts on Tax Credits

The Trump administration's new fossil energy chief is voicing general support for continued efforts to encourage carbon capture and storage (CCS) -- touting an array of ongoing Energy Department (DOE) activities on the issue -- but is declining to take a position on bipartisan efforts to expand and revamp a tax credit that would encourage broader deployment of the technology.

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To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Energy
Sent: Wed 3/15/2017 2:12:41 PM
Subject: POLITICO's Morning Energy, presented by American Fuel & Petrochemical Manufacturers: Turn that car (regulation) around — Even deeper cuts mulled for EPA — Group of House Republicans to introduce climate resolution today

By Anthony Adragna | 03/15/2017 10:00 AM EDT

With help from Daniel Lippman, Alex Guillén and Sara Stefanini

U-TURN ON CAR RULES: President Donald Trump travels to Ypsilanti, Michigan today where he'll direct EPA to reconsider its recent conclusion that automakers are capable of reaching the strict greenhouse gas limits that would have vehicles getting more than 50 miles per gallon on average by 2025, Pro's Alex Guillén [reports](#). "We're going to pull back the EPA's determination because we don't think it's right," a senior White House official told reporters on Tuesday. "We're going to spend another year looking at the data in front of us, making sure everything is right, so that in 2018 we can set standards that are technologically feasible, economically feasible, that allow the auto industry to grow and create jobs, that's very important for the president." Trump will direct EPA to put the midterm review - issued by the Obama EPA in its final days - back on the original schedule and make a new final determination by April 2018. A copy of the signed Federal Register notice is available [here](#).

Not on the agenda: For now, the president won't touch a waiver that lets California and other states enforce stricter rules within their borders. "The hope is that as you go through this process, California will be a partner and we'll figure this out," the official said. Nevertheless, the decision today marks a big win for automakers, which have pushed Trump to revisit the standards since shortly after his election. The White House downplayed the notion it necessarily will weaken the standards but suggested it saw major problems with the regulation.

Trump's visit comes as his administration mulls even deeper cuts to the EPA's budget than previously floated, POLITICO's Andrew Restuccia and Shane Goldmacher [report](#), citing two sources. A Republican briefed on the issue said the budget could be slashed "a little bit north of 25 percent" and a senior administration official confirmed the cuts were under consideration. Congress is likely to oppose such draconian cuts to the agency, which were [first reported](#) by Axios.

Getting in order: So where is Trump's executive order on the Clean Power Plan - and will the White House release it before Steny Hoyer [starts talking](#) to a bust of Abraham Lincoln? ME hears from one source that the order is jammed up in the White House's domestic policy office. It's not clear why the freeze, but one possibility is the burgeoning size of the order. Multiple reports suggest it will go further than just rolling back the Clean Power Plan and lifting a moratorium on new federal coal leases. It will also instruct federal agencies to drop the use of the social cost of carbon in their regulatory activities, the Washington Post [reports](#), and rescind an Obama-era executive order calling for climate change to be included in National Environmental Policy Act reviews. Methane rules and other regulations could also be targeted. Sen. [Jim Inhofe](#) said Trump was planning today to sign that Clean Power Plan order during remarks on the

Senate floor, though there was no immediate confirmation from the White House.

Advocates rally: With looming calls for deep EPA cuts, advocates are fighting back. A coalition of labor, public health, faith, and environmental groups is hosting what it calls an "emergency rally" today at noon at the agency's headquarters to protest executive orders rolling back climate change actions and budget cuts. And NextGen Climate Action will have a live streaming puppy cam (puppies!) today at 3 p.m. EST to encourage citizens to call their senators and push for clean air and clean water protections.

IT'S WEDNESDAY! Hope everyone's cleaned up after Stellllllla! I'm your host Anthony Adragna, and Princeton's Abhiram Karuppur was first to pick out Island Park, Idaho as the longest Main Street in the country! For today: There are four commonwealths in the country. Name them. Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

HOUSE REPUBLICANS PUSH CLIMATE RESOLUTION: Seventeen House Republicans, led by Rep. Carlos Curbelo, will today introduce a resolution calling for action to address climate change. "There are many, many more Republicans in the House who are interested in this issue," the Florida Republican told reporters. "We have come a long way and we also recognize we have a long way to go."

Curbelo said the bipartisan Climate Solutions Caucus, which now boasts more than two dozen members, would turn its attention this Congress to becoming an "ideas factory" for addressing climate change rather than just a forum for discussion. He also condemned the false "disconcerting" comments of EPA Administrator Scott Pruitt last week that carbon dioxide is not driving climate change, calling it "akin to saying the globe is flat in the year 2017."

**** A message from American Fuel & Petrochemical Manufacturers:** Progress means taking on challenges to enhance standards of living for millions in the United States and for growing populations across the globe. Learn how American Fuel & Petrochemical Manufacturers are making our lives easier, healthier, safer and more productive at <https://www.afpm.org/>. At AFPM, we make progress. **

WHAT ARE YOU HEARING? Committees of interest to ME readers are ramping up their hearing schedules today. A House Natural Resources panel holds an oversight hearing on the Obama administration's expansion and dedication of marine national monuments, which critics argue is an example of federal overreach and likely to impose harms on domestic fishing economies. It kicks off at 10:00 a.m. in Longworth 1324 (background memo).

New approaches to invasive species: The Senate EPW Committee will hear from people in the field about "new technologies and innovative ideas people are using both to control invasive species population growth and prevent illegal poaching" during a hearing today, according to a committee aide. Witnesses include Jim Kurth, acting director of the Fish & Wildlife Service, and Carter Roberts, president of the World Wildlife Fund. The proceedings gavel in at 10:00 a.m. in Dirksen 406.

Giving a new jolt to hydropower: Members of the House Energy and Commerce Energy Subcommittee will look at challenges to further deploying hydropower installations nationwide during a hearing moved to 1:15 p.m. today. A [background memo](#) says the lengthy licensing process creates "significant uncertainty and has the potential to delay or prevent investments" that would speed new installations, but lawmakers will also look at uncertainty regarding guaranteed revenue from the projects as a significant obstacle. The hearing takes place in Rayburn 2123.

Regulatory revamps get Senate markup: Two House-passed bills overhauling the regulatory process - the [REINS Act](#) (S. 21) and the [Midnight Rules Relief Act](#) (S. 34) - get marked up in the Senate Homeland Security and Governmental Reform Committee today at 10:00 a.m. Ahead of the session, the Blue Green Alliance sent senators [a letter](#) urging them to oppose both measures.

DOCTORS GET IN FORMATION OVER CLIMATE: Eleven of the nation's leading medical associations will today announce the formation of [a consortium](#) to outline the impacts to public health from climate change and urge the transition to clean energy. The group will release a report at 10:30 a.m. documenting direct health impacts from increasingly violent weather, the spread of disease through insects and mental health effects linked to climate change. And it plans to send letters to the National Governors Association, the U.S. Conference of Mayors, CEOs of Fortune 500 companies, the Chamber of Commerce, the National Association of Manufacturers and the Trump administration outlining the health benefits of transitioning to cleaner energy sources.

HEAD WEST, YOUNG FEDERAL EMPLOYEE! California Public Utilities Commission President Michael Picker will be handing out flyers in front of EPA and DOE headquarters today and tomorrow in hopes of enticing federal employees to come to the Golden State to continue their work on climate change and clean energy. "On climate action, there's a dark cloud hanging over Washington right now," Picker said in a statement. "My message is simple: Come West, California is hiring."

ZINKE'S ADVENTUROUS SNOW DAY: Washington's bout of winter weather "[caused a lot of meeting cancellations](#)" for Interior Secretary Ryan Zinke, so he opted instead to do [a ride along](#) with the U.S. Park Police, visit the [slick Lincoln Memorial](#) and hold an [impromptu meeting](#) with a few of the Interior employees who made it into work.

CAMPAIGN HIGHLIGHTS 'ANTI-SCIENCE' LAWMAKERS: 314 Action, a new organization dedicated to promoting sound science in public policy making, launched [a campaign](#) targeting three House Science Committee members - [Lamar Smith](#), [Dana Rohrabacher](#) and [Steve Knight](#) - who it said deny basic scientific facts despite never having studied or worked in scientific jobs. "The House Science Committee has been devastating to science under Chairman Lamar Smith's leadership, and it's time for those who stand for science, facts and reason to organize and push back," Shaughnessy Naughton, the group's founder, said in a statement.

McKENNA HOLDS COURT: Canadian Environment and Climate Change Minister Catherine McKenna talks about her country's actions to address carbon emissions during a 2:30 p.m.

discussion today at the Center for Strategic and International Studies. She'll then deliver remarks at Embassy of Canada's Great Lakes Reception at 6:30 p.m. to stress the ongoing importance of U.S.-Canada cooperation on efforts to protect the Great Lakes.

MAIL CALL! FROM RUSSIA WITHOUT LOVE: Sens. Maria Cantwell and Ron Wyden, top Democrats on the energy and finance panels, sent a letter to Trump on Tuesday urging him to make clear DOE is responsible for defending against cyberattacks to the nation's energy infrastructure and asking for a "thorough analysis" of Russia's ability to deploy cyberattacks on energy systems. "It is imperative that we are doing everything we can to harden and protect our infrastructure from very real and imminent threats," they wrote.

HOUSE MEMBERS PUSH TILLERSON ON PARIS: The co-chairs of the Safe Climate Caucus and the Climate Solutions Caucus pressed Secretary of State Rex Tillerson not to withdraw from the Paris agreement on climate change. "We urge you to continue making the case to the Administration that the United States should not give up its seat at the table," they wrote in a letter released Tuesday.

REPORTS EXAMINE CALIFORNIA OIL FIELDS: Two reports out today from the Carnegie Endowment for International Peace's Energy & Climate recommend greater transparency over California's oil operations. One report urged the state to collect detailed chemical analysis on an oil's composition for public review and identified a cluster of high- and medium-risk oils in the Bakersfield area. The other examines the state's largest and most productive oilfield, Midway Sunset, and urges greater routine collection of standardized, open-source oil data there.

TAKE A GLANCE! PUBLIC LAND ENEMIES PICKED: The Center for Biological Diversity released a report naming its top 15 public lands enemies in Congress. Among the high-profile picks: House Natural Resources Chairman Rob Bishop, House Oversight Chairman Jason Chaffetz and Senate ENR Chairman Lisa Murkowski.

FOR YOUR CALENDAR: Energy Secretary Rick Perry will deliver the keynote address at the United States Hispanic Chamber of Commerce's legislative summit closing gala Thursday at the Mellon Auditorium (h/t POLITICO Influence).

NATO WANTS TO GO GREEN: NATO's efforts to make the military more energy efficient are aimed at both reducing its reliance on fossil fuels as well as shrinking its environmental footprint, the alliance said in the annual report published this week. As part of that, NATO wants to provide new mobile power generators (such as solar panels, wind turbines and smart grids) and train the military to make sure that new energy technologies "can work seamlessly together" in the field, where fossil fuels deliveries (such as oil tanks) could be disrupted. For more on NATO's clean energy efforts, read POLITICO Europe's Sara Stefanini's story from last year.

MOVER, SHAKER: Rob Gramlich has started the consulting firm Grid Strategies LLC, working for renewable energy, storage and transmission organizations to improve the grid's ability to integrate and deliver new energy sources. He most recently was senior vice president for government and public affairs for the American Wind Energy Association and previously

oversaw at different times state policy, federal regulatory policy, public affairs, research and federal legislative issues at AWEA and also oversaw the Wind Energy Foundation, with a stint as interim CEO. Prior to joining AWEA he was economic adviser to FERC Chairman Pat Wood III.

Gil Jenkins is headed to the American Council on Renewable Energy as vice president of communications. He was previously a vice president with Ogilvy Public Relations, working on sustainability and clean energy communications (h/t [POLITICO Influence](#)).

QUICK HITS

- EPA Deputy Accused of Working With Monsanto to Kill Cancer Study. [Bloomberg](#).
- EPA environmental justice leader on his resignation: 'I needed to stand up'. [ThinkProgress](#).
- As China's Coal Mines Close, Miners Are Becoming Bolder In Voicing Demands. [NPR](#).
- Oil drops to 3-month low, U.S. erases all gains since OPEC output cut. [Reuters](#).
- British scientists face a 'huge hit' if the US cuts climate change research. [The Guardian](#).

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**** A message from American Fuel & Petrochemical Manufacturers:** Gaining access to nutritious food, clean water and top medical solutions are challenges for millions of people - but American Fuel & Petrochemical Manufacturers are helping make life-saving innovations more widely available. Fuels from AFPM-member refineries help transport nutritious foods thousands of miles from rural farms to urban food deserts. AFPM members are responsible for the purification systems and plastic pipes bringing clean water to populations in developing countries. The ultra-light, ultra-strong prosthetics restoring mobility to thousands who have lost limbs are made possible thanks to advanced plastics made with AFPM member petrochemical products. And that's only the beginning. Learn more about how American Fuel & Petrochemical Manufacturers are making our lives easier, healthier, safer and more productive at <https://www.afpm.org/>. At AFPM, we make progress. **

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To: Fred Barnes[fwbarnes@weeklystandard.com]
Bcc: Dickerson, Aaron[dickerson.aaron@epa.gov]
From: Jackson, Ryan
Sent: Tue 10/31/2017 10:27:32 PM

Fred, could we talk Thursday at 2:45

Ryan Jackson

Chief of Staff

U.S. Environmental Protection Agency

(202) 564-6999

To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Wed 12/6/2017 11:20:01 PM
Subject: Volkswagen Senior Manager Sentenced to 84 Months in Prison for Role in Conspiracy to Cheat U.S. Emissions Tests

Volkswagen Senior Manager Sentenced to 84 Months in Prison for Role in Conspiracy to Cheat U.S. Emissions Tests

WASHINGTON (December 6, 2017) - The former general manager of Volkswagen AG's (VW) U.S. Environment and Engineering Office was sentenced today 84 months in prison for his role in VW's scheme to sell diesel "clean diesel" vehicles containing software designed to cheat U.S. emissions tests.

Acting Assistant Attorney General John P. Cronan of the Justice Department's Criminal Division, Deputy Assistant Attorney General Jean E. Williams of the Justice Department's Environment and Natural Resources Division, Acting U.S. Attorney Daniel L. Lemisch of the Eastern District of Michigan, Special Agent in Charge David P. Gelios of FBI's Detroit Field Office and Acting Assistant Administrator Larry Starfield, for the Environmental Protection Agency (EPA)'s Office of Enforcement and Compliance Assurance made the announcement.

Oliver Schmidt, 48, a citizen and resident of Germany, was sentenced by U.S. District Judge Sean F. Cox of the Eastern District of Michigan, who also ordered Schmidt to pay a criminal penalty of \$400,000. Schmidt pleaded guilty on Aug. 4 to one count of conspiracy to defraud the United States, to commit wire fraud and to violate the Clean Air Act, and to one count of violating the Clean Air Act.

"Upon learning of Volkswagen's massive scheme to defraud and mislead U.S. consumers and regulators, Oliver Schmidt chose to join the conspiracy and deceive U.S. regulators," said Acting Assistant Attorney General Cronan. "This case, along with the prior prosecution of the company and another Volkswagen engineer, further demonstrate the Criminal Division's unwavering commitment to hold both corporations and individuals accountable for their wrongdoing."

"Oliver Schmidt cheated the American people, and today's sentencing shows that such behavior will be prosecuted to the fullest extent of the law," said Deputy Assistant Attorney General Williams. "The Department of Justice and its partner agencies will continue to work together to ensure a level playing field for all competitors and a cleaner environment for all Americans."

"This sentence reflects how seriously we take environmental crime," said Acting U.S. Attorney Lemisch. "Protecting natural resources is a priority of this office. Corporations, and individuals acting on behalf of corporations, will be brought to justice for harming our environment."

"Americans expect corporations to follow laws and regulations designed to protect consumers and the environment," said FBI Special Agent in Charge Gelios. "The sentence of Mr. Schmidt demonstrates the Department of Justice's commitment to hold companies that defraud their customers both personally, as well as, corporately accountable for their crimes."

"As this case demonstrates, EPA is committed to ensuring a level playing field for companies that follow the rules and pursuing individuals whose actions create an unfair competitive advantage for

their employer,” said EPA Acting Assistant Administrator Starfield.

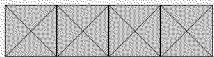
In connection with his guilty plea, Schmidt admitted that he agreed with VW employees to mislead and defraud the United States and domestic customers who purchased diesel vehicles, and to violate the Clean Air Act. Schmidt first learned during the summer of 2015 that certain VW diesel vehicle models contained a defeat device, or software that detected the difference between when the car was undergoing standard U.S. emissions testing and when it was being driven under normal conditions on the road. If the vehicle recognized that it was not being tested, many of its emissions control systems were significantly reduced, resulting in NOx emissions that were sometimes 30 times higher than U.S. standards. Schmidt admitted to participating in discussions with other VW employees in the summer of 2015 on how to coordinate responses to questions from U.S. regulators about VW's diesel vehicles without admitting to the defeat device contained in vehicles. On the instructions of management, Schmidt met with U.S. regulators twice in August 2015 and attempted to obtain approval for the sale of additional VW diesel vehicles without disclosing what he knew was the truth – that the real reason for the high emissions on the road was that VW had intentionally installed software designed to cheat emissions testing.

Schmidt further admitted that he knew during his participation in the conspiracy that the VW “clean diesel” vehicles were being marketed to the public as being environmentally friendly and promoting increased fuel economy while complying with U.S. environmental regulations. Schmidt knew that VW's diesel vehicles were not compliant with U.S. standards and regulations and that these representations made to domestic customers were false, he admitted.

As part of his guilty plea, Schmidt agreed that during his participation in the scheme, he and his co-conspirators caused losses to victims of more than \$150 million and that he obstructed justice.

The FBI's Detroit Field Office and the EPA's Criminal Investigation Division are investigating the case, with assistance from U.S. Immigration and Customs Enforcement's Homeland Security Investigations. Securities and Financial Fraud Unit Chief Benjamin D. Singer and Trial Attorney David M. Fuhr of the Criminal Division's Fraud Section, Senior Trial Attorney Jennifer Blackwell of the Environment and Natural Resources Division's Environmental Crimes Section and White Collar Chief John K. Neal of the U.S. Attorney's Office for the Eastern District of Michigan are prosecuting the case.

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Wed 12/6/2017 8:11:07 PM
Subject: EPA Announces Additional Public Listening Sessions on Proposed Repeal of Clean Power Plan

EPA Announces Additional Public Listening Sessions on Proposed Repeal of Clean Power Plan

WASHINGTON (December 6, 2017) — The U.S. Environmental Protection Agency (EPA) will hold three additional public listening sessions on the proposed repeal of the Clean Power Plan in San Francisco, Calif., Gillette, Wyo. and Kansas City, Mo.

“Due to the overwhelming response to our West Virginia hearing, we are announcing additional opportunities for the public to voice their views to the Agency,” **said EPA Administrator Scott Pruitt.**

Public listening sessions will be on EPA’s proposed repeal of the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (commonly known as the Clean Power Plan). Dates and specific locations will be released in coming weeks; please see the website for details. All persons wanting to speak are encouraged to register in advance.

“The Trump administration is listening to the people of Wyoming,” **said U.S. Senator John Barrasso (R-WY), chairman of the Senate Committee on Environment and Public Works (EPW).** “Today’s announcement that the EPA will hold a listening session in Gillette, on the impacts of the so-called ‘Clean Power Plan,’ demonstrates the administration’s commitment to hear directly from the people who would have been hurt most by this punishing regulation. The Clean Power Plan would have meant lost jobs for energy workers in Gillette and across Wyoming. I am thankful to EPA Administrator Scott Pruitt for his leadership on this important issue.”

Registration information will be posted at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan>

Oral comments and supporting information presented at each session will be included in the docket for this proceeding.

Written comments about EPA’s proposal must be received by the last day of the comment period, January 16, 2018. Comments should be identified by Docket ID No. EPA-HQ-OAR-2017-0355 and may be submitted by one of the methods listed on the Clean Power Plan Proposed Repeal: How to Comment web page.

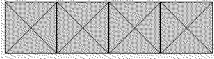
Background:

Soon after the previous Administration issued the Clean Power Plan in 2015, 150 entities including 27 states, 24 trade associations, 37 rural electric co-ops, and three labor unions challenged the CPP, highlighting a range of legal and technical concerns. A few months later, the United States Supreme Court stayed the CPP, immediately halting implementation—the first time the Supreme Court had ever issued a stay to block the enforcement of a regulation.

On March 28, 2017, Administrator Pruitt signed a notice indicating the EPA’s intent to review the

Clean Power Plan, in accord with the President's Energy Independence Executive Order. On October 16, the EPA proposed to repeal the Clean Power Plan, proposing that it is not consistent with the Clean Air Act. EPA is now taking comment on that proposal and has extended the public comment period to January 16, 2018.

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Sat 12/2/2017 3:19:13 PM
Subject: Pruitt Brings State Action Tour To Iowa & Kentucky

Pruitt Brings State Action Tour To Iowa And Kentucky

[Click Here To Watch Administrator Pruitt's Interview On KCCI-TV Des Moines](#)

The Cedar Rapids Gazette reports that Administrator Pruitt wants to use our natural resources. "The new head of the U.S. Environmental Protection Agency told an Iowa crowd Friday he will work with states when crafting environmental rules, and he criticized the Obama administration for doing the reverse. 'What's important for us in Washington, D.C., to do is to learn and partner and work with folks at the state level to achieve good outcomes together. That just simply has not happened for a number of years,' said EPA Administrator Scott Pruitt, during a stop in Nevada. Pruitt, the former Oklahoma attorney general, also said the United States should use the natural resources it has, not 'put up fences' around them."

The Des Moines Register reports Pruitt called farmers the first 'conservationists, environmentalists.' "Pruitt said the country needed to discuss what 'true environmentalism' means: 'We have been blessed with a bounty of natural resources. And some view that as 'We should simply not use them' — that we should put up fences and not use our natural resources. 'I don't buy that. We, as a country, have an obligation to feed the world and power the world,' he said, getting applause. 'When you have the natural resources like we do, we should use them to benefit our neighbors, our country and world.'"

The Quad-City Times reports that EPA is studying if E15 can be approved for year-round sale. "Pruitt, during his remarks at the Friday afternoon event near Nevada, said his agency is studying whether it has the legal standing to approve E15 for year-round sale. He said if it is determined the agency can do so without Congressional approval, it will make E15 available year-round. If not, Pruitt said he would make a recommendation to Congress to change the law."

In Kentucky, WHAS-TV in Louisville reports that next year, Pruitt will have changes to Obama's WOTUS. "The head of the United States Environmental Protection Agency was in Louisville Thursday with a promise of change to one of the most controversial environmental regulations for Kentucky farmers. Administrator Scott Pruitt told the Kentucky Farm Bureau's 98th Annual Meeting that the "Waters of the United States" regulation will be changed forever by mid-2018."

[Click Here To Watch The Video](#)

Finally, the West Kentucky Star reports that Pruitt denounced Obama's WOTUS. "Environmental Protection Agency chief Scott Pruitt found a friendly audience in Kentucky as he

lambasted an Obama-era clean-water rule. Pruitt told a Kentucky Farm Bureau audience on Thursday that the rule aimed at protecting small streams and wetlands from development and pollution was an example of federal overreach. He said the rule tried to redefine the Clean Water Act to cover puddles, dry creek beds and drainage ditches. President Donald Trump's environmental chief drew applause from the farm group as he said the rule is being 'fixed' and said a replacement rule is coming next year."

TWEETS ...

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Fri 12/1/2017 11:00:04 PM
Subject: EPA Determines Risks from Hardrock Mining Industry Minimal and No Need for Additional Federal Requirements

EPA Determines Risks from Hardrock Mining Industry Minimal and No Need for Additional Federal Requirements

WASHINGTON (December 1, 2017) – Today the U.S. Environmental Protection Agency (EPA) announced that the Agency will not issue final regulations for financial responsibility requirements for certain hardrock mining facilities.

“After careful analysis of public comments, the statutory authority, and the record for this rulemaking, EPA is confident that modern industry practices, along with existing state and federal requirements address risks from operating hardrock mining facilities,” **said EPA Administrator Scott Pruitt.** “Additional financial assurance requirements are unnecessary and would impose an undue burden on this important sector of the American economy and rural America, where most of these mining jobs are based.”

EPA published proposed regulations under section 108(b) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, or Superfund) on January 11, 2017, and the public comment period closed on July 11, 2017. EPA has decided not to issue final regulations because the risks associated with these facilities’ operations are addressed by existing federal and state programs and industry practices. EPA was under a court-ordered deadline to take final action on this rulemaking by December 1, 2017. The decision not to issue final rules under CERCLA section 108(b) will be published in the Federal Register.

EPA has analyzed the need for financial responsibility requirements under CERCLA section 108(b) based on the degree and duration of risk associated with the production, transportation, treatment, storage, and disposal of hazardous substances from current hardrock mining operations, as well the risk of taxpayer funded cleanups at facilities operating under modern management practices and modern environmental regulations. That risk is identified by examining: the management of hazardous substances at such facilities; federal and state regulatory controls on that management and federal and state financial responsibility requirements; and, the payment experience of the Fund in responding to releases.

EPA concluded the degree and duration of risk associated with the modern production, transportation, treatment, storage or disposal of hazardous substances by the hardrock mining industry does not present a level of risk of taxpayer funded response actions that warrant imposition of financial responsibility requirements under CERCLA for this sector. This determination reflects EPA’s interpretation of the statute, EPA’s evaluation of the record for the proposed rule, and the approximately 11,000 public comments received by EPA on this rulemaking.

State mining and environmental regulators, as well as other federal agencies and the regulated community and financial sectors, commented that the proposed requirements would potentially interfere with state and local mining regulations, were unnecessary, and would be difficult to implement. This decision does not in any way affect EPA’s authority to take appropriate response actions under CERCLA.

"I urged then President-elect Trump to stop the EPA's overreach into state regulation harming Montana businesses," said **U.S. Senate Western Caucus Chairman Steve Daines (R-MT)**.

"Instead of threatening the very industries that are a backbone of our Western economies, we need to support American families and American businesses to secure our mineral and energy independence. I am pleased the EPA has taken action."

"I am grateful for Administrator Pruitt's leadership in eliminating this costly, duplicative, and job-killing rule," said **Arizona Governor Doug Ducey**. "Arizona already has financial responsibility protections in place for hardrock mines and does not need a duplicative federal program that will unnecessarily burden a key Arizona industry."

"I am thankful that the EPA and Administrator Pruitt have decided to reject the proposed CERCLA rule," said **Idaho Governor Butch Otter**. "This is another victory for returning power to the states."

"The pending CERCLA 108(b) rulemaking has been at the top of my agenda," said **Nevada Governor Brian Sandoval**. "The success of Nevada's robust mine bonding program protects public safety and our environment and ensures our critical mining industry can operate with certainty. I applaud the EPA for their thoughtful approach and thorough review of the proposed rule, for seeking comments from a diverse set of stakeholders and ultimately, for making the right decision. Today's action by the Administrator recognizes the reality that the states have been capably regulating mine bonding without interference from Washington and should be allowed to continue to do so."

"States have developed comprehensive financial responsibility programs for hardrock mining in the 30 years since the passage of CERCLA 108(b)(1)," said **Jim Ogsbury, executive director of the bipartisan Western Governors' Association**. "These programs require operators to comply with state regulations, implement reclamation and post-closure plans, and post financial assurance to minimize risks to public health and the environment. Western Governors appreciate EPA's decision regarding its proposed financial assurance requirements under CERCLA 108(b), which would have duplicated or supplanted existing and proven state financial assurance regulations."

"EPA's actions to rescind the CERCLA 108(b) financial assurance rule is another positive step by EPA in eliminating redundant regulations and recognizing the importance of cooperative federalism," said **Todd Parfitt, director of Wyoming Department of Environmental Quality**.

A pre-publication version of this action may be viewed at: <https://www.epa.gov/superfund/proposed-rule-financial-responsibility-requirements-under-cercla-section-108b-classes>

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Fri 12/1/2017 9:15:01 PM
Subject: PHOTOS: EPA Administrator Pruitt Makes Stops in Iowa

PHOTOS: EPA Administrator Pruitt Makes Stops in Iowa

Nevada, Iowa (December 1, 2017) — Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt visited Iowa and met with the Iowa Association of Electric Cooperatives (IAEC), state officials, and farmers to discuss ongoing partnerships with the Agency.

"I was encouraged by the open dialogue with members of the electric cooperatives, Governor Reynolds, and Iowa farmers," **said EPA Administrator Scott Pruitt**. "We must continue to strengthen our partnerships with state and local leaders to further our goals of bringing regulatory certainty and clarity for Iowa and across the country."

Administrator Pruitt started the day at the IAEC annual meeting where he addressed more than 500 leaders from across the state about EPA's proposal to repeal the Clean Power Plan (CPP) and proposal to rescind the 2015 "Waters of the United States" (WOTUS) rule.

"We were honored to have Administrator Pruitt address our 500 attendees during our statewide annual meeting this morning," **remarked Chuck Soderberg, executive vice president of the Iowa Association of Electric Cooperatives**. "Iowa's not-for-profit electric cooperatives are committed to providing power that is safe, reliable, affordable and environmentally responsible. Hearing from Administrator Pruitt today made us feel confident the EPA is listening to our needs and concerns. We commend him for working to provide a common-sense regulatory framework that gives electric co-ops flexibility and certainty to meet the needs of our member-owners."

Following the electric cooperatives meeting, Administrator Pruitt met with over 150 Iowa farmers at a farm in Nevada. The dialogue was focused on the WOTUS rule, long-term plans for the Renewable Fuel Standards (RFS) program, and EPA's new standards for the use of the pesticide dicamba. Governor Kim Reynolds (R-IA) and other state officials joined Administrator Pruitt for the discussion.

EPA Administrator Scott Pruitt meets with members of the Iowa Association of Electric Cooperatives.

Chuck Soderberg, executive vice president of the Iowa Association of Electric Cooperatives, interviews EPA Administrator Scott Pruitt at the annual IAEC meeting.

EPA Administrator Scott Pruitt addresses local Future Farmers of America students in Nevada, Iowa.

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Thur 11/30/2017 8:20:02 PM
Subject: PHOTOS: EPA Administrator Pruitt Visits Kentucky

EPA Administrator Pruitt Visits Kentucky *Meets with Farmers and State Officials*

Louisville, Ky. (November 30, 2017) – Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt visited Kentucky to address members of the Kentucky Farm Bureau Federation and meet with Governor Matt Bevin and members of his cabinet to discuss ways to strengthen the Agency's partnership with the state.

"Farmers and ranchers are some of the nation's first environmentalists," **said EPA Administrator Scott Pruitt**. "We should be working with them, as partners, to conserve our natural resources – while continuing to support and grow our local economies."

While meeting with the Kentucky Farm Bureau, Administrator Pruitt discussed a variety of environmental issues. The topics included EPA's recent proposal to rescind the 2015 "Waters of the United States" (WOTUS) rule to help ensure regulatory certainty for America's farmers and landowners and prioritize keeping America's water clean. He also discussed the Agency's new requirements on the pesticide dicamba that will allow farmers to make informed choices for seed purchases for the upcoming 2018 growing season and minimize potential drift to damage neighboring crops.

Following the farm bureau meeting, the Administrator joined Kentucky Governor Bevin and some of his cabinet officials for a working lunch.

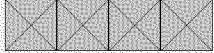
"America is blessed to have a public servant like EPA Administrator Scott Pruitt, who works diligently to be a good steward of the earth and protect America's working class," **said Governor Matt Bevin**. "His time spent with local, state and federal officials to enact thoughtful environmental regulations has been extraordinary, and we are thankful for his leadership."

"We appreciate the EPA Administrator visiting our annual meeting to listen to farmers about their conservation efforts and concerns related to their operations," **said Kentucky Farm Bureau President Mark Haney**. "Administrator Pruitt, a fellow Kentuckian, knows the hard work our farmers put in on a daily basis to keep our farms financially and environmentally sustainable."

EPA Administrator Scott Pruitt addresses members of the Kentucky Farm Bureau.

EPA Administrator Scott Pruitt meets with Kentucky Governor Matt Bevin and members of his cabinet.

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Thur 11/30/2017 5:00:11 PM
Subject: EPA Plans \$22.6 Million Cleanup For Contaminated East Chicago Industrial Land

The U.S. Environmental Protection Agency on Wednesday announced a \$22.6 million plan to clean up former DuPont industrial land in East Chicago.

THE CHICAGO TRIBUNE

EPA Plans \$22.6 Million Cleanup For Contaminated East Chicago Industrial Land

The Chicago Tribune
November 29, 2017
Craig Lyons

<http://www.chicagotribune.com/suburbs/post-tribune/news/ct-ptb-east-chicago-epa-dupont-cleanup-plan-st-1130-20171129-story.html>

The U.S. Environmental Protection Agency on Wednesday announced a \$22.6 million plan to clean up former DuPont industrial land in East Chicago.

The EPA said the 440-acre DuPont facility, at 5215 Kennedy Ave., will focus on removing contaminated material from a solid waste landfill, open or filled land and other industrial property at the site and treating ground water.

The EPA said the industrial land and water is contaminated with arsenic, lead, zinc and cadmium.

The EPA is collecting public comments on the proposed plans until Jan. 26, according to a news release, and will hold a public hearing Jan. 10.

"The proposed cleanup at the former DuPont site further demonstrates EPA's commitment to finding solutions to protect the health and safety of East Chicago residents," EPA Administrator Scott Pruitt said, in a statement.

The EPA's tentative plans will remove 61,000 cubic yards of contaminated soil; treat groundwater and take steps to prevent it from leaving the site; fence the site and ensure compliance with industrial zoning requirements, and health and safety rules for digging; and receive financial assurances from the site owner, according to a release.

The cleanup is proposed under the authority of the Resource Conservation and Recovery Act program.

The proposed work at the DuPont site is separate from the EPA's work at the nearby U.S.S. Lead Superfund site.

During the fall, the EPA started a groundwater study for the southern portion on Zone 3, which abuts the DuPont facility the federal agency Wednesday announced plans to clean up.

The EPA went door-to-door in the eastern portion of the Calumet neighborhood to talk with residents about basement flooding issues and potential exposure to groundwater in the area.

The push to establish groundwater exposure is part of an EPA evaluation whether additional contamination is reaching residents.

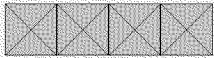
Work to remediate residents' property throughout the Calumet neighborhood is continuing, according to the EPA, and contractors have removed contaminated soil from more than 200 homes since work started in 2016.

During the 2017 construction season, the EPA remediated yards at 109 homes in Zone 2 of the Superfund site, which runs from McCook Avenue to East Huish Drive, according to the EPA, and 120 in Zone 3, which runs from East Huish Drive to Parrish Avenue.

Alternatives on how to remediate the land at the shuttered West Calumet Housing Complex are being reviewed, according to the EPA, and that work will start when demolition of the buildings and other structures is complete.

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Thur 11/30/2017 3:00:14 PM
Subject: EPA Finalizes RFS Volumes for 2018 and Biomass Based Diesel Volumes for 2019

EPA Finalizes RFS Volumes for 2018 and Biomass-Based Diesel Volumes for 2019

WASHINGTON – (November 30, 2017) Today, the U.S. Environmental Protection Agency (EPA) finalized a rule that establishes the required renewable fuel volumes under the Renewable Fuels Standard (RFS) program for 2018, and biomass-based diesel for 2019.

"Maintaining the renewable fuel standard at current levels ensures stability in the marketplace and follows through with my commitment to meet the statutory deadlines and lead the Agency by upholding the rule of law," said EPA Administrator Scott Pruitt.

The Clean Air Act requires EPA to set the RFS volume requirements annually and to finalize the standards by November 30th for the following year.

The final standards for 2018, and for biomass-based diesel for 2019, are only slightly changed from the proposed standards that EPA issued earlier this year.

Final Volume Requirements

| | | 2018 | 2019 |
|---|-------|------|------|
| Cellulosic biofuel (million gallons) | 288 | n/a | |
| Biomass-based diesel (billion gallons) | 2.1 | 2.1 | |
| Advanced biofuel (billion gallons) | 4.29 | n/a | |
| Renewable fuel (billion gallons) | 19.29 | n/a | |

The RFS program was created under the Energy Policy Act of 2005 and expanded by the Energy Independence and Security Act of 2007. EPA implements the program in consultation with U.S. Department of Agriculture and the Department of Energy. The RFS program is a national policy that requires a certain volume of renewable fuel to replace or reduce the quantity of petroleum-based transportation fuel, heating oil or jet fuel.

For more information on today's announcement, go to:

<https://www.epa.gov/renewable-fuel-standard-program/2017-announcements-renewable-fuel-standard>

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Wed 11/29/2017 6:24:42 PM
Subject: EPA DEPUTY NOMINATION MOVES TO SENATE FOR FULL CONSIDERATION

EPA DEPUTY NOMINATION MOVES TO SENATE FOR FULL CONSIDERATION

WASHINGTON – (November 29, 2017) Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt applauded the U.S. Senate Environment and Public Works (EPW) Committee's vote advancing Andrew Wheeler, nominee to be EPA deputy administrator. Wheeler's nomination now moves to the Senate for full consideration, along with four other EPA nominees. Administrator Scott Pruitt released the following statement following this vote:

"Andrew is an environmental policy expert with deep understanding of EPA issues. I look forward to his consideration before the Senate and his confirmation in the near future. I know Andrew will help us advance the President's Agenda, with his thoughtful and collaborative leadership at EPA."

More quotes of approval for Andrew Wheeler:

U.S. Senator James Inhofe: "I am pleased that President Trump has nominated Andrew Wheeler to serve as deputy administrator at the EPA. There is no one more qualified than Andrew to help Scott Pruitt restore EPA to its proper size and scope. When he served as my staff director of the Environment and Public Works Committee, he provided me with invaluable guidance, and in turn became a close friend. I am confident he will serve the American people and President Trump with exceptional skill in this position, and I look forward to ensuring his swift confirmation."

U.S. Congressman Bill Johnson: "Andrew Wheeler will do a fine job at EPA, helping to ensure the agency's mission of protecting the environment is maintained without the EPA becoming an unnecessary impediment to responsible energy exploration and job creation."

U.S. Congressman David B. McKinley: "With extensive experience working on Capitol Hill, in the Executive branch, and in the private sector, Andrew Wheeler is eminently qualified and a great pick to serve as Deputy Administrator of the EPA. There are few people in Washington who have the same depth of knowledge and experience on energy and environment issues. I look forward to continuing working with Andrew once he is confirmed in his new role."

Former U.S. Senator Joe Lieberman: "Andrew was Republican staff director during part of the time I was on the Senate Environment Committee. We worked together on some issues and disagreed on others. He conducted himself in a fair and professional manner. I hope his nomination will receive similarly fair consideration by the Senate."

Jay Timmons, President and CEO, National Association of Manufacturers: "Andrew's significant experience on Capitol Hill, and his extensive background working on environmental and natural resource policy makes him an outstanding choice to join the leadership at the EPA. Manufacturers have welcomed Administrator Pruitt's efforts to bring balance to rulemaking at the agency and focus on the EPA's core mission. We're confident Andrew will help advance that mission and ensure that our country can achieve the dual goals of responsible environmental stewardship and strong economic growth."

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Tue 11/28/2017 2:00:07 PM
Subject: ICYMI: Sen. Shelley Moore Capito: Trump EPA Bringing Positive Change

CHARLESTON GAZETTE-MAIL

ICYMI: Sen. Shelley Moore Capito: Trump EPA Bringing Positive Change

Charleston Gazette-Mail

November 27, 2017

Senator Shelley Moore Capito

https://www.wvgazettemail.com/opinion/daily_mail_opinion/commentary/sen-shelley-moore-capito-trump-epa-bringing-positive-change-daily/article_1a739990-2eb7-5a57-a274-d9069e795c83.html

This Tuesday and Wednesday, the Environmental Protection Agency is holding a listening session in Charleston on its proposal to withdraw from the Obama administration's so-called Clean Power Plan.

The Trump administration's decision to withdraw from this plan, and the decision to hear directly from West Virginians, demonstrate a positive change from the job-killing policies of the previous administration.

West Virginians expect federal agencies to follow the law. We want leaders to consider the impact of regulations on jobs and the economy. And, importantly, officials must listen to those Americans who will be most impacted by their decisions. It's clear that this administration and EPA Administrator Scott Pruitt are changing course.

The Clean Power Plan was an effort by the Obama administration to force states to turn away from coal-powered electricity. Congress never gave EPA the authority to implement such a sweeping regulatory change — and that is why the U.S. Supreme Court took the rare step of blocking implementation of the rule before it could take effect.

Legislation I introduced to overturn the rule was passed by both the Senate and the House, but was vetoed by President Barack Obama.

West Virginia is the nation's second-largest coal producing state. Because coal accounts for over 94 percent of electricity generation in our state, West Virginians would have been disproportionately impacted by the Clean Power Plan.

Our state lost thousands of good-paying jobs due in large part to other EPA overreaches. And government budgets at the state and local levels were decimated by the loss of tax revenue that coal has long provided in our state.

But Obama's EPA refused to hold a listening session on the Clean Power Plan in West Virginia.

Instead, the previous administration chose to listen in places like San Francisco, Boston and New York City.

It was clear that Obama's EPA had no desire to hear from the miners, truck drivers, railroad workers, small businesses and many others across coal country whose livelihoods would be most impacted by the rule.

At a Senate hearing, I asked former EPA Air Chief Janet McCabe why the Obama administration chose not to visit West Virginia. She responded that EPA held its public events where it was "comfortable."

After a difficult eight years, it is refreshing to see that the Trump administration is comfortable listening to the needs of working families here in West Virginia.

President Donald Trump and our Republican congressional majority are rolling back some of the worst regulatory abuses of the previous administration. In February, Congress passed, and Trump signed, legislation to block a last-minute rule proposed by Obama's Interior Department that could have cost thousands of jobs.

Everyone agrees that we need clean air and clean water; still, West Virginians should not be forced to choose between economic prosperity and a clean environment. We expect both.

That is why federal environmental laws like the Clean Water Act, and the Clean Air Act provide for cooperation between federal authorities and state officials. This structure allows states to make decisions that are best for local communities' economic and environmental needs.

The last administration upset that balance in favor of heavy-handed control from Washington. That led more than half the states to follow West Virginia's lead in filing suit against the Clean Power Plan.

Congress and the Trump administration are working to restore the proper balance that enforces our environmental laws while protecting our jobs. And we are already seeing positive results. West Virginia coal production was up 23 percent in the first half of 2017 as compared with the first half of 2016.

The Trump administration is bringing the change to regulatory policy that West Virginians voted for. I welcome the new EPA to Charleston and will continue working with President Trump to keep West Virginia a leading energy producer for generations to come.

[To Read The Full Op-Ed Click Here](#)

U.S. Sen. Shelley Moore Capito, R-W.Va., chairs the Clean Air and Nuclear Subcommittee on the Senate Environment and Public Works Committee

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Mon 11/27/2017 3:15:00 PM
Subject: Scott Pruitt on a mission to change the culture of the EPA

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USA TODAY

Scott Pruitt On A Mission To Change The Culture Of The EPA

Ledyard King
November 26, 2017

<https://www.usatoday.com/story/news/politics/2017/11/26/scott-pruitt-mission-change-culture-epa/889633001/>

EPA Administrator Scott Pruitt isn't just dismantling the Clean Power Plan and other high-profile environmental programs of the Obama era. He's on a mission to re-engineer the agency's culture by returning power to states and away from the Washington bureaucrats and coastal elites he said have led it astray.

The EPA, for example, is doing away with the "sue-and-settle" approach that Pruitt said improperly allowed the Obama administration to circumvent laws by rewriting regulations behind closed doors with friendly environmental groups who filed lawsuits.

The agency also has rewritten membership rules for the agency's advisory boards, so that both industry advocates and academics from Midwestern and Mountain states — which Pruitt said were under-represented — have greater influence when counseling agency leaders on new rules.

...

Ken Cuccinelli, a Pruitt ally and former Republican attorney general from Virginia, said the EPA administrator rightly believes the agency needs to return to its roots and abandon quixotic pursuits Obama conducted on global warming embodied by the Clean Power Plan and the decision to sign on to the international treaty known as the Paris Accord.

"The previous administration weaponized this agency," Cuccinelli said. "They were assaulting America through the EPA. Scott believes in clean water and clean air. There's never been any doubt about that. But all of the other creative stuff is the kind of stuff that political elites want to spend their time on and if it affects Americans all it does is reduce their opportunities."

...

As part of his effort to change the culture at EPA, Pruitt is touting a "back-to-basics" agenda that emphasizes partnerships with states and issues he calls central to the agency's mission when Congress created it in 1970.

He's prioritizing cleanup of toxic Superfund sites, lead-tainted drinking water systems, and abandoned mines.

Those issues, he said, took a back seat the previous eight years as the Obama administration engaged in regulatory over-reach on climate change and the "Waters of the U.S." rule that spelled out that streams, rivers and other bodies can be regulated by the federal government.

"Our job is to administer statutes," he said in the interview. "We have to act based on the authority given to us by Congress. When this agency and other agencies in the past have gone askew is when they've created and filled in the vacuum. That's what they did with the Clean Power Plan ... We're correcting that."

Pruitt points to Superfund as an area that previous administrators should have taken more time to address. He's visited a lead-contaminated site in East Chicago, Ind., and the Gold King mine in Colorado (where a mistake by an EPA contractor in 2015 led to a major spill) to emphasize the program's importance.

He often talks about the problems at the West Lake Landfill near St. Louis and how the EPA still hasn't decided how to proceed 27 years after it was tagged as a Superfund site.

"Not clean it up. Not fix the problem. But just simply decide," he told the Federalist Society.

More than half of the original 406 sites from 1983 remain on the list. On average, it takes about 19 years for a site to be removed from the list, according to the Government Accountability Office.

...

When Pruitt last month told an audience of coal miners in Hazard, Ky., that "the war on coal is over" as he announced the administration's plan to repeal the Clean Power Plan, Senate Majority Leader Mitch McConnell, R-Ky., seemed clearly tickled.

"It's great to have an administrator of the EPA," McConnell said as he introduced Pruitt, "who's not afraid to come to Kentucky."

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Tue 11/21/2017 3:00:23 PM
Subject: EPA is Clearing Out the Agency's FOIA Backlog

EPA is Clearing Out the Agency's FOIA Backlog

WASHINGTON (November 21, 2017) - Today, the U.S. Environmental Protection Agency announced that the Agency is on track to significantly reduce the backlog of Freedom of Information Act (FOIA) requests received prior to 2017.

"We are committed to transparency," **said EPA Administrator Scott Pruitt**. "EPA staff have quickly responded to the challenge to clear the backlog of FOIAs that built up from the previous administration, all while continuing to respond to the large volume of incoming requests."

EPA's National FOIA Office and offices across the agency have been working hard to clear the backlog of FOIA requests that existed at the start of 2017. As of early October, 2017, EPA had 652 open FOIA requests that were submitted in prior years. As of today, the Agency is on track to provide responses to over 70 percent of those requests by the end of the calendar year.

"We have requests that are open from as far back as 2008," **said Steven Fine, EPA's acting chief information officer**. "EPA staff are finding ways to overcome a number of obstacles to complete the majority of the old requests by the end of December."

In addition to clearing the backlog from previous years, EPA continues to process incoming FOIA requests, to ensure the current administration is being open and transparent and to avoid unnecessary costs to the American taxpayer. For requests that cannot be completed by the end of the calendar year, the Agency is developing request-specific plans to ensure they are completed as early as possible.

"We are currently defending 41 FOIA lawsuits, which demonstrates that the public feels stronger about access to information than ever before," **said Kevin Minoli, EPA's acting general counsel**. "The effort of employees across EPA to systematically respond to the oldest FOIA requests and eliminate the backlog demonstrates the strength of our commitment to providing the public with access to information."

The National FOIA Office set targets, shared best practices, and worked together with the regions and programs to ensure that relevant information is shared with the public in ways that properly responded to each request. The National FOIA Office will also be developing a new webpage showing the progress of the backlog reduction effort, which will be found www.epa.gov/foia.

In fiscal year 2017 EPA received 11,493 FOIA requests, 995 more than the previous fiscal year. In that same period, EPA received 36 new FOIA lawsuits, compared to only 12 lawsuits in the previous year.

The numbers provided for pre-2017 FOIA requests do not include 34 pre-2017 requests received by EPA's Office of the Inspector General, which is an independent office within EPA.

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Mon 11/20/2017 8:05:37 PM
Subject: Terminix Companies Sentenced for Applying Restricted-Use Pesticide to Residences in the U.S. Virgin Islands

Terminix Companies Sentenced for Applying Restricted-Use Pesticide to Residences in the U.S. Virgin Islands

WASHINGTON (November 20, 2017) - Terminix International Company LP (TERMINIX LP) and U.S. Virgin Islands operation Terminix International USVI LLC (TERMINIX, USVI) were sentenced today for violations of the Federal Insecticide, Fungicide, and Rodenticide Act in the U.S. Virgin Islands, announced the Department of Justice and the Environmental Protection Agency.

The Virgin Islands pest control company illegally applied fumigants containing methyl bromide in multiple residential locations in the U.S. Virgin Islands, including the condominium resort complex in St. John where a family of four fell seriously ill in March 2015 after the unit below them was fumigated. According to the plea recommendation, TERMINIX LP and TERMINIX, USVI are to pay a total of \$10 million in criminal fines, community service, and restitution payments. Under the agreed recommendation, TERMINIX, USVI will pay \$4 million in fines and \$1 million in restitution to the EPA for response and clean-up costs at the St. John resort. TERMINIX LP will pay a fine of \$4 million and will perform community service related to training commercial pesticide applicators in fumigation practices and a separate health services training program.

"The sentences in this case reflect the serious nature of the defendants' illegal actions and the unacceptable consequences of those actions," said EPA Administrator Scott Pruitt. "This case should serve as a stark reminder that pesticides must be applied as intended and that those who ignore laws that protect public health will be held accountable by EPA and our law enforcement partners."

"The tragic incident at issue in this case shows the extreme danger posed by the improper use of toxic pesticides," said Acting Assistant Attorney General Jeffrey H. Wood of the Justice Department's Environment and Natural Resources Division. "Businesses using these products must take appropriate cautions to safeguard the public, or else the consequences can be devastating. We trust that the result in this case shows how imperative it is that users of these products take the time to review, understand, and employ appropriate techniques and uses."

"This case demonstrates how critical it is to comply with environmental laws and regulations," said Acting United States Attorney Joycelyn Hewlett for the District of the Virgin Islands. "An entire family suffered horrendous and life-altering injuries. We will continue to aggressively enforce environmental laws to help prevent something like this from ever happening again."

In 1984, the EPA banned the indoor use of methyl bromide products. The few remaining uses are severely restricted and largely limited to commodity applications for quarantine and pre-shipment purposes. Pesticides containing methyl bromide in the U.S. are restricted-use due to their acute toxicity, meaning that they may only be applied by a certified applicator. Health effects of acute exposure to methyl bromide are serious and include central nervous system and respiratory system damage. Pesticides can be very toxic and it is critically important that they be used only as approved by EPA.

According to the information filed in federal court in the U.S. District Court of the Virgin Islands, the defendants knowingly applied restricted-use fumigants at the Sirenusa resort in St. John for the purpose of exterminating household pests on or about October 20, 2014, and on or about March 18, 2015. The companies were also charged with applying the restricted-use pesticide in 12 residential units in St. Croix and one additional unit in St. Thomas between September 2012 and February 2015.

According to the factual basis of the plea agreement, TERMINIX, USVI provided pest control services in the Virgin Islands including fumigation treatments for Powder Post Beetles, a common problem in the islands. These fumigation treatments were referred to as "tape and seal" jobs, meaning that the affected area was to be sealed off from the rest of the structure with plastic sheeting and tape prior to the introduction of the fumigant. Customers were generally told that after a treatment, persons could not enter the building for a two- to three-day period.

On or about March 18, 2015, two employees of TERMINIX, USVI, performed a fumigation pesticide treatment at the lower rental unit of Building J at Sirenusa in St. John. The upper unit in Building J was occupied by a Delaware family of four. Via various means, methyl bromide from the lower unit migrated to the upper unit of Building J, causing serious injury to and hospitalization of the entire family.

EPA regional staff responded immediately to the incident in St. John, securing the scene, performing testing, and addressing the contamination. Within days, the EPA sent out a pesticide use warning to pesticides applicators in Puerto Rico and the U.S. Virgin Islands, followed by a broader pesticide notice to regulators in all states, the British Virgin Islands, and to other Caribbean and Latin American countries.

After the government began its investigation, TERMINIX LP voluntarily ceased its use of methyl bromide in the U.S. and in U.S. territories. The government has notified the district court that the defendants have made full restitution to the Esmond family. The family is satisfied with the criminal resolution and has asked that their privacy be respected.

The case was investigated by EPA Criminal Investigation Division working cooperatively with the Virgin Islands government and, the Agency for Toxic Substances and Disease Registry.

Senior Litigation Counsel Howard P. Stewart of the Department of Justice, Environmental Crimes Section, and Assistant U.S. Attorney Kim L. Chisholm of the District of the Virgin Islands are prosecuting the case with assistance of Patricia Hick, EPA Region II Regional Criminal Enforcement Counsel.

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Thur 11/16/2017 10:10:01 PM
Subject: EPA's Scott Pruitt drains the swamp like no one else in Washington

Pruitt is a man who gets things done. Despite resistance from within his own agency and an environment lobby bent on stopping him ...

EPA's Scott Pruitt Drains The Swamp Like No One Else In Washington

The Hill

November 16, 2017

Emmett McGroarty And Erin Tuttle

<http://thehill.com/opinion/energy-environment/360763-epas-scott-pruitt-drains-the-swamp-like-no-one-else-in-washington>

EPA Administrator Scott Pruitt is a man who gets things done. Despite resistance from within his own agency and an environment lobby bent on stopping him, he's doing his part to drain the swamp and return government to the people. He's bringing what citizens demand of a federal agency: Transparency and reasoned, fact-based decision-making resting on sound statutory footing.

Take the contentious issue of global warming. Pruitt called for a reasoned debate. But his critics mocked the suggestion, claiming it would be an outrage to place "fringe" views on an even platform with "established, peer-reviewed research." But it is tyrants and mobs — not reasonable policymakers intent on serving the public — who ridicule debate and discussion. It undercuts arbitrary rule and fear, their chief weapons.

Consider Pruitt's recent directive prohibiting scientists from serving on one of the agency's three main advisory panels while they are receiving EPA grant funding. It applies to the three main advisory boards at the EPA: The Science Advisory Board, the Clean Air Scientific Advisory Committee (CASAC), and the Board of Scientific Counselors (BOSC).

Pruitt made the case that the directive is necessary to ensure the agency's research programs are informed by independent experts with no financial ties to the programs. As he noted, advisory board members have received \$77 million in grant money over the past three years — half of the total amount allotted.

"When we have members of those committees that received tens of millions of dollars in grants at the same time that they are advising this agency on rulemaking, that is not good," Pruitt said. His directive is prudent, and it is the type of common-sense safeguard that citizens expect in a self-governed republic.

In contrast, the resistance of the EPA's bureaucracy and its apologists shows arrogant contempt for the citizen. Board member and chair of BOSC, Deborah Swackhamer, seemingly unfazed by these relationships, labeled Pruitt's directive as "clearly political" and suggested it is an attempt to effectively stack the committees with members who disagree with her (although she didn't put it quite that way).

What's really going on at EPA is the swamp draining that needs to happen across the federal bureaucracy. It is a death-fight (meant figuratively) for bureaucrats intent at reshaping society according to their world-view. To do so, they need to maintain an appearance that scientific consensus supports their views.

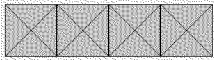
...

But, as Pruitt commented, the focus at EPA should be "sound science, not political science." His approach should be emulated by the other agencies.

[To Read The Full Op-Ed Click Here](#)

Emmett McGroarty and Erin Tuttle work for American Principles Project. They are co-authors of the forthcoming book "Deconstructing the Administrative State: The Fight for Liberty."

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Thur 11/16/2017 3:00:08 PM
Subject: EPA Announces Appointment of Alexandra Dunn to Region 1 Administrator

EPA Announces Appointment of Alexandra Dunn to Region 1 Administrator

WASHINGTON (November 16, 2017) - Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt announced the appointment of Alexandra Dapolito Dunn to become Regional Administrator for Region 1. With over two decades of experience in environmental law, legislation, policy, and regulatory affairs, Ms. Dunn will oversee federal environmental protection efforts in: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Alexandra Dunn currently serves as executive director and general counsel for the Environmental Council of States (ECOS), a national nonprofit, nonpartisan organization committed to helping state agencies improve environment outcomes for Americans. Since 2014, Ms. Dunn has helped state governments improve water infrastructure, air pollution control, site cleanup, chemical management, and economic development. Prior to joining ECOS, Ms. Dunn served as executive director and general counsel for the Association of Clean Water Administrators.

Ms. Dunn has also been published in the areas of the ethics of community advocacy, environmental justice, urban sustainability, water quality, cooperative federalism, and the Clean Water Act. And, she taught environmental justice and human rights and the environment as dean of Environmental Law Programs at the Elisabeth Haub School of Law at Pace University. She also taught at the Columbus School of Law, Catholic University of America, where she currently serves as faculty adviser to the student Environmental Law Society. Ms. Dunn most recently taught environmental justice as an Adjunct Associate Professor of Law at the American University's Washington College of Law.

This October, Ms. Dunn was elected to the Board of Regents of the American College of Environmental Lawyers and she serves on the executive committee and board of directors of the Environmental Law Institute. She has chaired the American Bar Association's (ABA) section of Environment, Energy, and Resources, its World Justice Task Force, and served on the ABA Presidential Force on Sustainable Development.

"Alexandra Dunn is exceptionally qualified to carry out administrative duties to lead our New England office," **said EPA Administrator Scott Pruitt.** "Not only has she spent the last several years developing effective environmental policies for our state partners, but has also helped shape a number of aspiring environmental lawyers at one of the nation's leading environmental law programs. Her service to others will be key to helping implement this administration's positive environmental agenda for our northeast region."

Her nomination is receiving high accolades from across the region:

Janet Coit, Director, Rhode Island Department of Environmental Management: "As the head of a state environmental agency, I hoped for the appointment of an EPA regional administrator with expertise in environmental laws and issues and sensitivity to the importance of the special relationship between the states and the USEPA. Alex Dunn has mastery and understanding of both and tremendous relevant experience to bring to bear to her role as Regional Administrator. She is

an excellent choice and will bring a constructive and informed approach to New England, a place where there is strong federal-state partnership and a collaborative approach to our important environmental protection work with USEPA.”

John Cruden, president, American College of Environmental Lawyers: “Alexandra Dunn is a superb administrator with exceptional environmental expertise. She can be counted on to push to advance the environment, work collaboratively with the States in her Region, and support career officials doing their important work.”

Andrew Fisk, executive director, Connecticut River Conservancy: “Alexandra is a committed environmental attorney with a solid record of experience that will serve her well. She understands the important role of citizen organizations in improving the quality of our environment. We look forward to working with her to build on New England’s proud tradition of environmental protection.”

Scott Fulton, president, Environmental Law Institute: “I strongly support Alexandra Dunn’s appointment as Regional Administrator for EPA Region 1. She is a terrific talent and an extremely capable leader, with demonstrated ability to work effectively with a diverse array of stakeholders and interests. Her appointment makes for a great day for EPA and the good people of New England.”

Robert J. Klee, Commissioner, Connecticut Department of Energy and Environmental Protection: “I want to congratulate Alexandra on her nomination to become the next EPA Region 1 Administrator. She is a consensus builder who is well respected by many in the environmental community thanks to her extensive background and knowledge of environmental law and policy. I look forward to working with her in this new role on the issues that matter most to Connecticut residents, such as water quality in our lakes, rivers, and Long Island Sound, ozone and transport of pollutants from upwind to downwind regions, and climate change mitigation and adaptation. It is imperative that the federal government and states work together to address our most pressing environmental issues - and I have full confidence that Alex will continue to build upon decades of positive interactions between EPA Region 1 and our New England States.”

Amanda C. Leiter, professor, American University Washington College of Law: “I am thrilled to learn of Ms. Dunn’s appointment. For the past few years, she has taught environmental justice as an adjunct professor in American University Washington College of Law’s summer program. Students gave the course very positive reviews and regularly commented on Professor Dunn’s depth of knowledge about the subject area and her willingness to make herself available outside of class hours. My colleagues and I will be sorry to lose her from AU, but we are very pleased she will be bringing her extensive background in and deep commitment to environmental justice to EPA Region 1.”

Paul Mercer, Commissioner, Maine Department of Environmental Protection: “Alexandra Dapolito Dunn has a demonstrated ability to work as a partner and facilitator for the States. She also has the breadth and depth of knowledge of the environmental issues faced by the Region 1 States. We look forward to working with Alexandra to continue progress making our water and air cleaner through practical and cost-effective strategies.”

Julie Moore, Secretary, Vermont Agency of Natural Resources: “The partnership between EPA and state environmental agencies is incredibly important. Through her work at ECOS, Alexandra has been committed to building and strengthening this relationship and I look forward to her continued support in this new capacity.”

Robert R. Scott, Commissioner, New Hampshire Department of Environmental Services: “Alexandra is a great choice for Regional Administrator. She has vast experience in working on environmental issues and well understands the needs and perspective of the states. She helped

champion the recasting of the EPA-State relationship through Cooperative Federalism at the **Environmental Council of the States** and now will be in a position to advance those principles even further.”

Susan Sullivan, executive director, New England Interstate Water Pollution Control

Commission: “Ms. Dunn is a consummate professional and her years of working on behalf of the states at the Environmental Council of the States and the Association of Clean Water Administrators will serve her well in her new role. NEIWPCC, our member states, and EPA have had a long history of working well together. I look forward to continuing this strong relationship with Ms. Dunn and her Region 1 staff.”

Martin Suuberg, Commissioner, Massachusetts Department of Environmental Protection:

“Alex Dunn has significant experience in environmental law and has been a strong environmental advocate for states during her years of service with ECOS. The Commonwealth looks forward to continuing our work with her in this new role as Region 1 Administrator.”

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From: EPA Press Office
Sent: Thur 11/9/2017 6:01:35 PM
Subject: Senate Confirms William Wehrum to Lead EPA Air Office

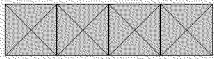
Senate Confirms William Wehrum to Lead EPA Air Office

WASHINGTON (November 9, 2017) – Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt praised the U.S. Senate vote to confirm William (Bill) Wehrum to serve as the Assistant Administrator for EPA's Office of Air and Radiation.

"I want to thank Leader McConnell and Chairman Barrasso for their continued partnership and outstanding leadership with getting Bill confirmed to such an important role at the agency. Bill Wehrum has a long history of public service, including over 30 years working in the environmental field. I look forward to him joining EPA to help us implement our positive environmental agenda and administer programs that ensure that Americans have access to clean air," **said EPA Administrator Scott Pruitt.**

On October 25, 2017, the U.S. Senate Committee on Environment and Public Works, led by U.S. Senator John Barrasso (R-WY) advanced William Wehrum's nomination out of committee.

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Fri 11/3/2017 4:49:08 PM
Subject: Pruitt announces new appointees to advisory boards after banning EPA grant recipients

Among the other choices are: Jennifer McPartland, a senior scientist of the Environmental Defense Fund; Kari Cutting of the North Dakota Petroleum Council; Tim Wallington of Ford and Bart Croes of the California Air Resources Board.

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THE WASHINGTON EXAMINER

Scott Pruitt Announces New Appointees To Advisory Boards After Banning EPA Grant Recipients

Josh Siegel

November 3, 2017

<http://www.washingtonexaminer.com/scott-pruitt-announces-new-appointees-to-advisory-boards-after-banning-epa-grant-recipients/article/2639547>

Environmental Protection Agency Administrator Scott Pruitt on Friday announced new appointments to three key advisory boards, and made it clear he favors state regulators and energy industry representatives over environmentalists.

The appointments to the Science Advisory Board, Clean Air Scientific Advisory Committee, and Board of Scientific Counselors were announced after Pruitt this week unveiled a new directive to block scientists who receive EPA funding from serving on the advisory boards.

Pruitt, in announcing the directive barring EPA grant recipients, said more than 430 people applied to the Board of Scientific Counselors and over 130 applied for the Scientific Advisory Board. Forty-two people have applied for seven positions with the Clean Air Scientific Advisory Committee.

Critics say that means the EPA will fill the boards with corporate interests who support Pruitt's deregulatory agenda.

But Pruitt said the current crop of applicants represent a broader geographic area than in previous boards. He said his goal is to provide more "fulsome" representation on the boards.

"To ensure that EPA is receiving the best independent scientific advice, I am appointing highly-qualified experts and scientists to these important committees," Pruitt said Friday.

Michael Honeycutt, who heads the Texas Commission on Environmental Quality's toxicology division, will lead the Scientific Advisory Board. Honeycutt has questioned the health risks associated with smog.

Tony Cox, an independent consultant in quantitative risk analysis, will lead the Clean Air Scientific Advisory Committee. And Paul Gilman, chief sustainability officer at Covanta Energy and a former EPA official under President George W. Bush, will head the Board of Scientific Advisers.

Pruitt appointed two others to the seven-member Clean Air Scientific Advisory Committee: James Boylan of the Georgia Department of Natural Resources, and Larry Wolk from the Colorado Department of Public Health & Environment.

He chose 18 new members for the Scientific Advisory Board, with representatives from the utility industry, chemical industry, refining industry and state governments. These include Larry Monroe of Southern Company, Kimberly White of the American Chemistry Council, Merlin Lindstrom of Phillips 66, and Bob Blanz of the Arkansas Department of Environmental Quality.

Monroe, as chief environmental officer at Southern Company, argued the Obama administration's Clean Power Plan was "unworkable and would increase electricity prices to customers while hurting reliability."

Arkansas was one of 26 states that sued the Obama administration over the Clean Power Plan, which aimed to regulate emissions from coal-fired power plants.

Another appointee, Anne Smith, the managing director of NERA Economic Consulting, has worked for groups that opposed the Obama administration's regulatory agenda

Pruitt's appointments to the Board of Scientific Counselors contain more balance between industry and science. There are multiple representatives from the federal national labs, including Charlette Geffen and Katrina Waters of the Pacific Northwest National Laboratory.

Among the other choices are: Jennifer McPartland, a senior scientist of the Environmental Defense Fund; Kari Cutting of the North Dakota Petroleum Council; Tim Wallington of Ford and Bart Croes of the California Air Resources Board.

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Thur 11/9/2017 5:10:53 PM
Subject: EPA Proposes Repeal of Glider Provisions for Heavy-Duty Truck Rule

Administrator Pruitt Advances Effort to Keep EPA within Regulatory Lane with Proposed Repeal of Glider Provisions from Heavy-Duty Truck Rule

WASHINGTON (November 9, 2017) The Environmental Protection Agency (EPA) is proposing to undo the regulatory overreach of the prior administration by repealing application of the Medium- and Heavy-Duty Truck Phase II Greenhouse Gas Emission and Fuel Efficiency Standards for the glider industry. Gliders are a specially manufactured type of heavy duty highway vehicle assembled from newly manufactured kits that include the vehicle's frame and cab, to which a used engine, transmission and axles are added.

"The previous administration attempted to bend the rule of law and expand the reach of the federal government in a way that threatened to put an entire industry of specialized truck manufacturers out of business," **said EPA Administrator Scott Pruitt**. "Accordingly, the Agency is taking comment on an interpretation of the Clean Air Act that recognizes the unique nature of a vehicle made up of both new and used component parts. Gliders not only provide a more affordable option for smaller owners and operators, but also serve as a key economic driver to numerous rural communities."

Due to the unique way that gliders are manufactured, the Agency is proposing that gliders should not be regulated as "new motor vehicles" or "new motor vehicle engines" under section 202(a)(1) of the Clean Air Act. This action does not affect nor propose to affect EPA's authority to address heavy-duty engine rebuilding practices under Clean Air Act section 202(a)(3)(D).

EPA estimates that about 10,000 gliders are manufactured annually, comprising less than five percent of the Class 8 heavy-duty highway truck market.

The public comment period for the proposal will be open through January 5, 2018. EPA will also hold a public hearing on Monday, December 4, 2017 at EPA's Washington, DC headquarters. More information on the proposal, hearing and how to comment: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-greenhouse-gas-emissions-commercial-trucks>

Today's proposal is based on a review of the glider provisions of the Phase II rule. On August 17, 2017, Administrator Pruitt announced the Agency's intent to reconsider the glider provisions of the Phase II rule in response to several petitions for reconsideration. See: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/petitions-reconsideration-phase-2-ghg-emissions-and-fuel>

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Mon 11/6/2017 4:00:11 PM
Subject: EPA's New Region 8 Boss Off To A Promising Start

Among the other choices are: Jennifer McPartland, a senior scientist of the Environmental Defense Fund; Kari Cutting of the North Dakota Petroleum Council; Tim Wallington of Ford and Bart Croes of the California Air Resources Board.

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MONTANA STANDARD

EPA's New Region 8 Boss Off To A Promising Start

Montana Standard Editorial
November 5, 2017

http://mtstandard.com/opinion/editorial/editorial-epa-s-new-region-boss-off-to-a-promising/article_ce3b2023-257f-591d-95aa-65e80931bafa.html

Since Butte was added to the Superfund National Priorities List in 1983, we've gone through six presidents, 14 EPA administrators (acting and permanent) and more than half a dozen Region 8 EPA administrators.

The latest to sit at the Region 8 desk is Doug Benevento, a Colorado attorney who has been an energy executive and has also run the state's Department of Public Health and Environment.

Fortunately, in the first three weeks of his tenure, he has done precious little sitting. Instead he has been traveling to learn firsthand about EPA's challenges in the region, which are too lengthy to list.

It's no accident that he spent four of his first 16 days in office in Montana. We are pleased to note that he spent intensive time with Gov. Steve Bullock, DEQ boss Tom Livers and their staffs. He also came to Butte this past Wednesday, and made a very good impression. He did not condescend. He came off as self-effacing, sincere and straightforward.

Perhaps the best thing Benevento said during his short visit was that he realized it was too short and is therefore coming back in a couple of weeks.

While that visit will focus more on the considerable issues EPA faces in Anaconda, he did indicate he would also return to Butte. On Nov. 14, The Montana Standard and Restore Our Creek Coalition will co-sponsor a rally at the Covellite Theatre. It should surprise no one that the central message that evening will be: Clean it up. Restore our Creek. Get it done.

We sincerely hope Benevento's return visit will include his presence at this event, which would enable him to hear very directly from the community. We urge him – and you – to attend.

Benevento clearly wishes to communicate clearly and move quickly. He said he hopes to have a Butte Priority Soils consent decree in place by early next year, and if that's not possible, he said, EPA stands ready to enforce the law and move the cleanup along with a unilateral administrative order.

That mirrors EPA Administrator Scott Pruitt's stated intention to move cleanups along more quickly.

While a burst of speed would certainly be welcome after three decades of glacial Superfund progress, speed alone won't be enough to do right by this town. If speed means taking the cheapest, most expedient path, Butte may never recover.

Any remedy, whether agreed upon by the state, county, EPA and Atlantic Richfield or unilaterally imposed by EPA, must be substantive. In other words, the pollutants must come out of the ground and out of the water. Overbroad "technical impracticability" zones or more "waste in place" patch jobs will not suffice. The quality of Butte's cleanup will define the town's future. A quick "get out of town" deal would be even more harmful than the plodding progress the town has endured so far.

With all of those caveats, Benevento's resolve, forthrightness – and presence in Butte – are all excellent signs. We applaud him for getting his tenure off to a very promising start.

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Fri 11/3/2017 3:45:02 PM
Subject: EPA Announces Intention To Nominate Members To Three Important Federal Advisory Committees

EPA Announces Intention To Nominate Members To Three Important Federal Advisory Committees

WASHINGTON (November 3, 2017) – Today, Environmental Protection Agency (EPA) Administrator Scott Pruitt announced his intention to appoint members who will serve on the Board of Scientific Counselors (BOSC), the Clean Air Science Advisory Committee (CASAC) and the Science Advisory Board (SAB).

“To ensure that EPA is receiving the best independent scientific advice, I am appointing highly-qualified experts and scientists to these important committees,” **said EPA Administrator Scott Pruitt.**

In a fair, open, and transparent fashion, EPA reviewed hundreds of qualified applicants nominated for these committees. Members who will be appointed include experts throughout the environmental stakeholder community, including from NGOs, academia, industry, and state, tribal and local officials. The makeup of the membership speaks to EPA’s commitment to science and openness to expertise from a diverse array of perspectives. Those nominees willing to serve have committed to remaining financially independent from EPA grants during their tenures.

Federal Advisory Committees (FAC) members that will serve on the BOSC can be found [here](#).

Federal Advisory Committees (FAC) members that will serve on the CASAC can be found [here](#).

Federal Advisory Committees (FAC) members that will serve on the SAB can be found [here](#).

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Wed 11/1/2017 5:30:14 PM
Subject: Pruitt Promotes Independence On EPA Science Boards

Pruitt: "The days of 'political science' are over at the agency."

Pruitt Promotes Independence On EPA Science Boards

"It Just Is Not Right For The Agency To Be Issuing \$77 Million In Grants And Then Asking These People To Be Providing Independent Counsel."
- EPA Administrator Scott Pruitt

THE WASHINGTON POST: "Scott Pruitt Blocks Scientists With EPA Funding From Serving As Agency Advisers." "It is very, very important to ensure independence, to ensure that we're getting advice and counsel independent of the EPA," Pruitt told reporters Tuesday. He estimated that the members of three different committees — Scientific Advisory Board, the Clean Air Science Advisory Committee and the Board of Scientific Counselors — had collectively accepted \$77 million in EPA grants over the last three years. He noted that researchers will have the option of ending their grant or continuing to advise EPA, 'but they can't do both.'" ([The Washington Post](#), 10/31/17)

THE WALL STREET JOURNAL: "EPA Bars Scientists It Funds From Advisory Roles." "The Environmental Protection Agency will no longer permit scientists receiving agency grants to serve on three of its independent advisory boards, a change the agency said was designed to foster greater independence and regional diversity for the panels, but which scientist groups and environmental advocates said would give polluting industries undue policy influence." ([The Wall Street Journal](#), 10/31/17)

USA TODAY: "Pruitt Moves To Shake Up EPA Advisory Boards." "Scientists who receive grants from the Environmental Protection Agency will no longer be allowed to simultaneously serve on the agency's nearly two dozen advisory boards, an unprecedented directive EPA Administrator Scott Pruitt ... 'We want to ensure that the American people have confidence ... in the process and that the advisers that we have in each of these respective capacities are providing independent, arms-length input to us as we make decisions.'" ([USA Today](#), 10/31/17)

THE WASHINGTON FREE BEACON: "Members Of Scientific Boards Received \$77 Million From EPA While Advising Agency." "Under the last three years of the Obama administration, members sitting on just three of the agency's scientific advisory boards received \$77 million in EPA grants. Pruitt said individuals advising in policy and regulatory matters should be completely independent of the EPA." ([The Washington Free Beacon](#), 10/31/17)

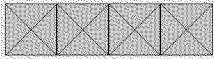
THE WASHINGTON EXAMINER: "Scott Pruitt Bars EPA Grant Recipients From Serving On Advisory Boards." "People receiving EPA grants who currently serve on the three boards will have to choose whether to keep the grant or continue their work on the boards. Most board members serve three-year terms. 'You have to choose, are you going to continue getting a grant or serve the agency,' Pruitt said. 'They can't do both.'" ([The Washington Examiner](#), 10/31/17)

ABC NEWS: "EPA Blocks Some Scientists From Serving On Advisory Boards." "The

Environmental Protection Agency announced today that scientists who receive money from the agency will no longer be able to serve on its advisory boards, a move that critics contend will push independent science out of decisions about environmental policy. ... The EPA argues that in addition to strengthening the independence of members on its boards, the move will further increase the diversity of the councils, with new members offering 'fresh perspectives.' The agency is further promoting participation from state, local and tribal governments." ([ABC News](#), 10/31/17)

DAILY CALLER: "Trump's EPA Takes Steps To 'Ensure Independence' Among Science Advisers." "EPA will no longer allow researchers to serve on three scientific advisory boards if they also receive agency grants. The policy is to ensure science advisers are truly independent from EPA, Pruitt said, echoing concerns Republicans have voiced for years." ([Daily Caller](#), 10/31/17)

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Tue 10/31/2017 9:19:00 PM
Subject: CBS: Exxon And EPA Agree To A Major Pollution Settlement

CBS NEWS

Exxon And EPA Agree To A Major Pollution Settlement

NOTE: Patrick Traylor, a former energy industry lawyer hired by new EPA Administrator Scott Pruitt, said the settlements show that the Trump administration will enforce environmental laws "with prudence and with excellence." Traylor said the deals bring "two very well-respected companies" back into compliance with environmental laws. "Now they can continue their work of driving economic growth," he said.

Exxon And EPA Agree To A Major Pollution Settlement

CBS News

October 31, 2017

<https://www.cbsnews.com/news/exxon-epa-settle-pollution-case/>

Exxon Mobil (XOM) settled air pollution violations with the Trump administration by paying a \$2.5 million civil penalty and promising to spend \$300 million on pollution-control technology at several plants along the Gulf Coast.

Federal officials said Tuesday that the settlement will prevent thousands of tons of future pollution, including cancer-causing benzene, from eight petrochemical plants in Texas and Louisiana.

Some environmentalists attacked the settlement as insufficient punishment for years of violations by the giant oil company, while others said it addressed excess burning or flaring of gas, a key pollution problem at Exxon plants.

The deal settles allegations that Exxon violated the federal Clean Air Act by releasing excess harmful pollution after modifying flaring systems at five plants in Texas and three in Louisiana. The allegations date back more than a decade.

Exxon said it will install and increase the efficiency of the flaring systems and monitor for benzene outside four of the plants.

The Justice Department and the state of Colorado announced a smaller settlement over pollution charges against Denver-based PDC Energy (PDCE). The company will spend about \$20 million to upgrade equipment and pay a \$2.5 million civil penalty to the federal government and Colorado. Up to \$1 million of the state's share can be forgiven if the company performs certain environmental projects.

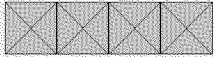
Patrick Traylor, a former energy industry lawyer hired by new EPA Administrator Scott Pruitt, said the settlements show that the Trump administration will enforce environmental laws "with prudence

and with excellence."

Traylor said the deals bring "two very well-respected companies" back into compliance with environmental laws. "Now they can continue their work of driving economic growth," he said.

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Tue 10/31/2017 6:00:07 PM
Subject: Administrator Pruitt Issues Directive to Ensure Independence, Geographic Diversity & Integrity in EPA Science Committees

Administrator Pruitt Issues Directive to Ensure Independence, Geographic Diversity & Integrity in EPA Science Committees

WASHINGTON (October 31, 2017) – U.S. Environmental Protection Agency Administrator Scott Pruitt issued a new directive today to ensure that any advisors serving on an EPA Federal Advisory Committee (FAC) are independent and free from any real, apparent, or potential interference with their ability to objectively serve as a committee member.

“Whatever science comes out of EPA, shouldn’t be political science,” **said EPA Administrator Scott Pruitt**. “From this day forward, EPA advisory committee members will be financially independent from the Agency.”

The directive explains that: members shall be independent from EPA, which shall include a requirement that no member of any of EPA’s federal advisory committees be currently in receipt of EPA grants, either as principal investigator or co-investigator, or in a position that otherwise would reap substantial direct benefit from an EPA grant. This principle would not apply to state, tribal or local government agency recipients of EPA grants. An accompanying memorandum issued by EPA Administrator Pruitt explains the directives to improve the independence and integrity of EPA’s FACs in ways that advance the Agency’s mission.

According to EPA calculations, in just the last three years, members of three of EPA’s 22 FACs – the Science Advisory Board (SAB), Clean Air Scientific Advisory Committee (CASAC) and the Board of Scientific Counselors (BOSC) – received upwards of \$77 million in direct EPA grant funding while concurrently serving on these committees.

Today, Administrator Pruitt also announced his plan to appoint new leadership and new members to SAB, CASAC and BOSC. In the spirit of cooperative federalism, Administrator Pruitt intends to appoint members that will significantly increase geographic diversity and state, tribal, and local government participation on the committees. A list of members will be posted in coming days.

The directive focuses on the importance of the following areas pertaining to EPA FACs:

1. **Strengthen Member Independence:** Members shall be independent from EPA, which shall include a requirement that no member of an EPA federal advisory committee be currently in receipt of EPA grants, either as principal investigator or co-investigator, or in a position that otherwise would reap substantial direct benefit from an EPA grant. This principle shall not apply to state, tribal or local government agency recipients of EPA grants.
2. **Increase State, Tribal and Local Government Participation:** In the spirit of cooperative federalism and recognition of the unique experience of state, tribal and local government officials, committee balance should reflect prominent participation from state, tribal and local governments. Such participation should be appropriate for the committee’s purpose and function.

3. **Enhance Geographic Diversity.** Given the range of environmental and public health considerations across the country, membership should be balanced with individuals from different states and EPA regions. Emphasis should be given to individuals from historically unrepresented or underrepresented states and regions.
4. **Promote Fresh Perspectives:** To encourage and promote the inclusion of new candidates with fresh perspectives and to avoid prolonged and continuous service, membership should be rotated regularly.

“Strengthening independence from EPA, increasing state, tribal and local government participation, and adding geographic diversity and fresh perspectives will improve the integrity of EPA’s scientific advisory committees,” **said EPA Administrator Pruitt.**

To read the full directive please visit [here](#).

To read the full memo please visit [here](#).

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Thur 10/26/2017 10:50:01 AM
Subject: EPA's Pruitt Denies He's an Ally of Polluters, Vows to Get Tough

BLOOMBERG

EPA's Pruitt Denies He's an Ally of Polluters, Vows to Get Tough

Jennifer A Dlouhy and Jennifer Jacobs

Bloomberg

October 25, 2017

<https://www.bloomberg.com/news/articles/2017-10-25/epa-s-pruitt-denies-he-s-an-ally-of-polluters-vows-to-get-tough>

Scott Pruitt, the head of the Environmental Protection Agency, vowed that he will get tough on corporate polluters, dismissing critics who cast him as too cozy with industry.

"They don't know me," Pruitt said, during an interview with Bloomberg News in his Washington office. "I've led a grand jury. We are going to do enforcement, to go after bad actors and go after polluters."

Pruitt, the former Oklahoma attorney general, is leading the efforts to roll back Obama-era environmental regulations, including the first limits on carbon dioxide emissions from power plants and an overhaul of clean-water rules. Despite moving to rescind those measures, those that remain in place will be fully enforced, he said.

"I know what it means to prosecute people," he said. "And we've got some of those folks across the country -- those people that are intentionally taking steps to pollute our water, to pollute our air."

While coal miners, manufacturers and oil companies have praised Pruitt's efforts to halt or rescind regulations, environmental advocates say he's the leading example of a Trump administration appointee who has an agenda that conflicts with the very nature of the agency he leads.

Under former President Barack Obama, the EPA played a pivotal role in the government's fight against climate change, proposing sweeping rules to limit on methane leaks from oil wells and carbon-dioxide emissions from coal plants. Pruitt, who sued the EPA more than a dozen time to challenge those and other regulations, by contrast, is pursuing what he calls a "back to basics" agenda that he says will prioritize action on traditional pollutants.

...

Pruitt highlighted the EPA's decision earlier this month to approve a plan for removing toxins from the San Jacinto Waste Pits, a Superfund site near Houston that began leaking cancer-causing dioxin after flooding from Hurricane Harvey.

That included ordering two companies -- International Paper Co. and a subsidiary of Waste Management Inc. -- to pay an estimated \$115 million toward excavating more than 212,000 cubic

yards of contaminated waste from the site. Both companies have objected to the cleanup plan.

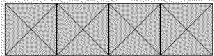
"And they are already barking down there," Pruitt said, referencing those companies' complaints. Pruitt said he was told some people would be "surprised" he would seek to hold Fortune 500 companies accountable.

Another example: In June, the Trump administration filed a lawsuit alleging that a Colorado-based oil company repeatedly violated clean air rules by allowing volatile organic compounds to escape from of storage-tank batteries. According to the complaint filed in that civil case, the EPA alleged that PDC Energy Inc. failed to adequately design, operate and maintain control systems on those tanks., resulting in those leaks. That case is ongoing.

"I am here because I really feel called to it," Pruitt said. "My desire each day is to bless the president and the decisions he's making."

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Wed 10/25/2017 7:02:33 PM
Subject: EPA Releases Energy Independence Report

EPA Releases Energy Independence Report

"We can be both pro-jobs and pro-environment," – EPA Administrator Scott Pruitt

WASHINGTON (October 25, 2017) - Today, the U.S. Environmental Protection Agency (EPA) released its final report on how EPA, under Administrator Scott Pruitt's leadership, is implementing President Trump's Executive Order 13783 to curb regulatory burdens in order to promote energy production and economic growth – while protecting human health and the environment.

"EPA is committed to President Trump's agenda," said EPA Administrator Scott Pruitt. "We can be both pro-jobs and pro-environment. At EPA, that means we are working to curb unnecessary and duplicative regulatory burdens that do not serve the American people – while continuing to partner with states, tribes and stakeholders to protect our air, land, and water."

EPA released its final report in accordance with President Donald Trump's Executive Order (EO) 13783. Notably, the report provides a look at how EPA is working to curb regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation while protecting human health and the environment. The report can be found online [here](#).

The report discusses nine EPA actions on energy-related regulations covered by EO 13783. It further includes the following four initiatives EPA plans in undertaking to implement this order:

1. **New Source Review reform (NSR)** – EPA is establishing an NSR Reform Task Force to review and simplify the NSR application and permit process.
2. **National Ambient Air Quality Standards (NAAQS) reform** – EPA plans to use the newly formed Ozone Cooperative Compliance Task Force to review administrative options to meaningfully improve air quality as it relates to ozone. EPA will also work to streamline the approval of state air pollution plans, and eliminate EPA's backlog of state pollution plans.
3. **Robust Evaluations of the Employment Effects of EPA regulations** – Regulations impose high costs on American workers, particularly in the energy sector. Five environmental statutes state that EPA conduct continuing evaluations of potential shifts in employment that may result from implementation of these statutes. The Agency historically has not conducted these assessments. EPA intends to conduct these evaluations consistent with the statutes.
4. **Reestablishing the Smart Sectors Program** – EPA recently relaunched the Smart Sectors program to re-examine how it engages with American businesses to reduce unnecessary regulatory burdens, while protecting human health and the environment. (www.epa.gov/smartsectors).

Background

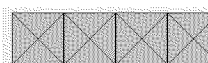
On March 28, 2017, President Trump signed Executive Order (EO) 13783 promoting clean and safe development of the United States' vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation.

To that end, Section 2 of EO 13783 required an immediate review of all agency actions that potentially burden the safe, efficient development of domestic energy resources. Section 2 required the heads of agencies to review all existing regulations, orders, guidance documents, policies, and any other similar agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources.

Section 2 also required agencies to submit a plan on how the agency will carry out the review. For those agencies that submitted a plan, the agency was required to submit a draft final report to OMB and EOP offices within 120 days (by July 26, 2017). The EOP offices provided recommendations to the agencies to ensure the final reports that reflect the policies laid out in EO 13783.

Final reports were to be finalized within 180 days (by September 24, 2017) unless the OMB Director, in consultation with the other EOP officials, extend the deadline.

To assist agencies in the development of the EO 13783 reports, OMB developed guidance on May 8, 2017 providing additional direction to agencies. OMB directed Agencies to provide a number of pieces of information in the agency final reports and to publish the final report on the agency website and in the Federal Register.



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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Wed 10/25/2017 3:01:02 PM
Subject: Top EPA Presidential Nominees Approved By Senate EPW Committee

Top EPA Presidential Nominees Approved By Senate EPW Committee

WASHINGTON (October 25, 2017) - Today, the U.S. Environmental Protection Agency (EPA) presidential nominees to head the Agency's air, water, chemical and legal offices were approved by the U.S. Senate Environment and Public Works Committee (EPW). The following nominations will soon be moved to the Senate chamber for a full vote:

Michael Dourson, nominee to be assistant administrator for the Office of Chemical Safety and Pollution Prevention.

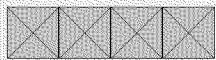
Matthew Leopold, nominee to be assistant administrator for the Office of General Counsel at the EPA.

David Ross, nominee to be assistant administrator for the Office of Water at the EPA.

Bill Wehrum, nominee to be assistant administrator for the Office of Air and Regulation.

"I want to thank Chairman John Barrasso and Members of the Senate Environment and Public Works Committee for granting our nominees a fair Hearing and approving their nominations," **said Administrator Scott Pruitt**. "These top leaders in their fields will bring positive change to EPA's mission to protect human health and the environment. We look forward to a full Senate vote on these highly-qualified leaders."

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Tue 10/24/2017 12:30:12 PM
Subject: WE: Regulatory scheme killed by EPA's Pruitt cost taxpayers \$69 billion

THE WASHINGTON EXAMINER

Regulatory Scheme Killed By EPA's Pruitt Cost Taxpayers \$69 Billion

Washington Examiner
Paul Bedard
October 24, 2017

<http://www.washingtonexaminer.com/regulatory-scheme-killed-by-epas-pruitt-cost-taxpayers-69-billion/article/2638414>

A practice known as "sue and settle" used by the Environmental Protection Agency to enact controversial regulations cost taxpayers \$69 billion since 2005 and has an annual cost of \$26 billion, according to a new report.

The American Action Forum found that "sue and settle," killed this month by EPA Administrator Scott Pruitt, also dumped millions hours of red tape on industries.

Pruitt ended the practice last week. During the Bush and Obama years, it was used by government activists and outside influence groups to force through new and costly regulations without the normal transparency required when rules are properly developed.

"Here's how it works," said Dan Bosch, the director of regulatory policy at AAF. "An interest group sues a federal agency alleging that the agency has not fulfilled its responsibility under the law. Rather than contest the lawsuit, the agency settles and enters into an agreement to initiate and/or expedite a rulemaking, complete with a legally binding deadline to promulgate."

He looked at the most expensive 23 regulations that went through the backdoor process and put a price-tag of \$68.9 billion on them. They also have \$26.5 billion in annual costs. And, he added, "16 of these rules imposed a paperwork burden of more than eight million hours."

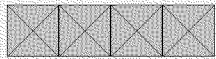
Businesses have cheered Pruitt's decision. When he made it, Pruitt said, "The days of regulation through litigation are over." He added, "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle."

The move was just the latest by the administration to target rules and regulations imposed by the Obama administration. Pruitt has been quick to put the brakes on EPA regulations he was handed and other agencies, notably the Interior Department, are also scrutinizing old rules.

Bosch said Pruitt's move will improve transparency.

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Mon 10/23/2017 10:33:17 PM
Subject: PHOTOS: Administrator Pruitt Visits Agriculture Leaders in Tennessee

CONTACT: press@epa.gov

PHOTOS: Administrator Pruitt Visits Agriculture Leaders in Tennessee

NASHVILLE (October 23, 2017) – Today, Environmental Protection Agency (EPA) Administrator Scott Pruitt brought his state action tour to Tennessee in an effort to continue meeting with key stakeholders surrounding the Agency's recent decision to begin the process of rescinding the "Waters of the United States" (WOTUS) rule.

Administrator Pruitt visited the State Capitol where he met with Tennessee Governor Bill Haslam and other state officials to discuss the Agency's regulatory agenda.

After their meeting, Administrator Pruitt attended a Tennessee Farm Bureau event at Eddie Sanders' Farm in Franklin where he met with Tennessee Farm Bureau President Jeff Aiken and addressed attendees. While delivering his remarks, Administrator Pruitt empathized the EPA's desire to meet with stakeholders who went largely ignored during the previous Administration's rulemaking process and emphasized the need to receive input from stakeholders such as farmers and landowners when making major rulemaking decisions."

"The Trump Administration has made it a priority to meet with stakeholders across the country who went largely ignored by the last Administration," said Administrator Pruitt. "EPA is looking to expand our rulemaking process to include all voices so we can make determinations that help the American people, not harm them. By beginning the process to rescind WOTUS, we are helping assert regulatory certainty and helping landowners and farmers."

EPA Administrator Scott Pruitt meets with Tennessee Governor Bill Haslam.

EPA Administrator Scott Pruitt addresses members of the Tennessee Farm Bureau in Franklin.

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Sun 10/22/2017 12:55:18 PM
Subject: Tribune-Review: An End To EPA's 'Sue & Settle'

TRIBUNE-REVIEW

An End To EPA's 'Sue & Settle'

Editorial

October 22, 2017

<http://triblive.com/opinion/editorials/12850517-74/trib-editorial-an-end-to-epas-sue-settle>

The days of special interests potentially forcing policies from the Environmental Protection Agency through a process known as "sue and settle" are over. EPA Administrator Scott Pruitt has issued guidelines that preclude any regulatory tinkering under the guise of lawsuit settlements or backdoor deals that limit public comment and/or hamstring the agency's due diligence.

"We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency by special-interest groups where doing so would circumvent the regulatory process set forth by Congress," Mr. Pruitt said.

The Obama administration has denied imposing any illegal regulations originating from EPA settlements with environmental groups. Pruitt's directive simply closes the door to any questionable agreements in the future.

Under the new policy, the EPA will contact any state or entity affected when a lawsuit settlement or consent decree is under consideration. It also ensures that the EPA won't create any new regulations in the settlement process.

That's fair. And it should prompt other federal agencies that routinely face agenda-driven litigation to do the same.

Yet Pruitt's move drew rebukes from environmentalists, one of whom predicted that the EPA boss "will be spending a lot more of your taxpayer dollars defending his inaction in court."

If need be, yes — but openly and without any nodding and winking.

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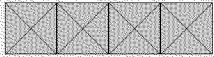
To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Sat 10/21/2017 1:33:15 PM
Subject: Governor Ricketts and EPA Administrator Pruitt Discuss WOTUS

KOLN-TV - LINCOLN

Nebraska Governor Pete Ricketts and EPA Administrator Scott Pruitt Discuss WOTUS

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Fri 10/20/2017 9:00:04 PM
Subject: PHOTOS: Administrator Pruitt Visits Nebraska

CONTACT: press@epa.gov

PHOTOS: Administrator Pruitt Visits Nebraska

OMAHA (October 20, 2017) – Today, Environmental Protection Agency (EPA) Administrator Scott Pruitt traveled to Lincoln, Nebraska to meet with Governor Pete Ricketts, state officials, and stakeholders with the Commonsense Nebraska Coalition to discuss the Agency's proposal to rescind the 2015 "Waters of the United States" (WOTUS) rule.

"As I've traveled across the country, countless farmers and ranchers have expressed their concerns over the 2015 WOTUS rule," **said Administration Pruitt.** "By beginning the process to rescind this rule, we are working with our state partners like Governor Ricketts to ensure traditional powers are returned to the states and helping ensure regulatory certainty for our country's agriculture stakeholders."

"Thank you to Administrator Pruitt for all he has done to cut onerous and job-killing federal red tape imposed on the states," said Governor Ricketts. "Administrator Pruitt and the Trump Administration have kept their word and repealed the 2015 Waters of the U.S. (WOTUS) rule that would have threatened future growth in Nebraska agriculture and manufacturing. In his work of rolling back the old rule and writing a new one, Pruitt is returning power to the states and protecting the rights of our farm families and small business owners."

Administrator Pruitt began his trip meeting with Governor Ricketts and members of his cabinet to discuss the Agency's positive environmental agenda moving forward. Attendees included: Nebraska Lt. Governor Mike Foley, Nebraska Department of Agriculture Director Greg Ibach, Director of the Nebraska Department of Economic Development Courtney Dentlinger, Director of the Nebraska Energy Office David Bracht, Department of Environmental Quality Director Jim Macy, Department of Natural Resources Director Jeff Fassett, Department of Transportation Director Kyle Schneweis, Governor Rickett's Chief of Staff Matt Miltenberger, and Governor Rickett's Policy Research Advisor Lauren Kintner.

Following the Nebraska Cabinet meeting, Administrator Pruitt and Governor Ricketts hosted a roundtable discussion with the Common Sense Nebraska Coalition to discuss ways the Agency can provide sensible regulations to protect waterways.

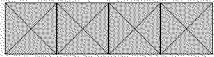
After the roundtable, Administrator Pruitt departed for Omaha where he met with officials from Union Pacific to discuss the importance of EPA's back-to-basics agenda and the Agency's actions to provide regulatory certainty, while also ensuring clean air, land, and water.

EPA Administrator Scott Pruitt with Nebraska Governor Pete Ricketts.

EPA Administrator Pruitt meets members of Governor Ricketts' cabinet.

EPA Administrator Pruitt and Governor Ricketts hold a roundtable with the Commonsense Nebraska Coalition.

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Fri 10/20/2017 6:18:20 PM
Subject: EPA Chief: Under Trump, Agency Is Like Never Before

THE HOUSTON CHRONICLE

EPA Chief: Under Trump, Agency Is Like Never Before

Alex Stuckey
October 20, 2017

<http://www.houstonchronicle.com/news/houston-texas/houston/article/EPA-chief-Under-Trump-agency-is-like-never-12292376.php>

Environmental Protection Agency Chief Scott Pruitt gave a succinct message to oil and gas industry leaders Thursday night: The Trump administration's agency will be nothing like the last.

President Donald Trump and his cabinet members are "focused on results and that's been the primary focus of my first months at the EPA," Pruitt said. "We're establishing metrics and benchmarks and performance standards in key areas of what we do."

Pruitt spoke Thursday night during the Texas Oil and Gas Association's annual Lone Star Energy Forum in The Woodlands, answering questions for about 30 minutes from the association's president, Todd Staples.

As an example of quick action, he pointed to the San Jacinto Waste Pits. After years of waiting for the area to be cleaned up, Pruitt said, he came in mid-September and promised an answer by Oct. 14. On Oct. 11, the EPA approved a plan to permanently remove tons of toxics from the waste pits.

'Getting back to basics'

Prior to his discussion Thursday night, Pruitt said he met with community members and environmental advocates about the San Jacinto Waste Pits. He said they were thanking him for acting quickly.

"We're getting back to basics, focused on our core mission, focused on results," he said.

Earlier in the day, about a dozen environmental advocates gathered at the old Brady's Landing restaurant to protest Pruitt's appearance at the association's meeting. Pruitt, they said, should take a "toxic tour" of their neighborhoods, rather than speak to oil and gas leaders.

During Thursday's talk, Pruitt talked about working with Trump - whom he called a courageous man of action - as well as his plans to act faster on Superfund site and permitting decisions.

Staples questioned Pruitt about the clean power plan, which Pruitt decided to withdraw earlier this month. Pruitt said he believed the last administration used it to start a war on coal or fossil fuels.

"I don't believe it's the role of the EPA to pick winners and losers," he said. "I don't think it's the role of the EPA to say here's what you should choose ... they should use all forms of electricity ... based upon what? Stability and costs."

Pruitt said the agency is evaluating its options to replace the plan under current law, but cannot do anything Congress has not already authorized it to do.

"Our job is to follow the law, we can't make it up," he said. "That was novel to the last administration, it's fundamental to this administration."

This has caused regulatory and financial uncertainty both in the energy and health care sectors, he said.

"The greatest impact on the low percentage of growth is regulatory uncertainty because you have regulators acting in ways that's untethered to statute," he said.

Partnerships sought

He also noted his agency's commitment to a transparent rule-making process that involves the public and not the courts. Pruitt also spoke about the importance of partnership between all environmental stakeholders, including the energy industry.

...

He noted energy industry leaders care about the water they drink and the air they breathe.

"Are there bad actors out there? Absolutely," he said. "We're going to prosecute bad actors, but we shouldn't start by saying (certain people) don't care about these issues. You do."

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Fri 10/20/2017 4:11:48 PM
Subject: TIME: "I Don't Spend Any Time With Polluters. I Prosecute Polluters." - Scott Pruitt

Pruitt: "I Don't Spend Any Time With Polluters. I Prosecute Polluters."

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TIME MAGAZINE

"I Don't Spend Any Time With Polluters. I Prosecute Polluters." - Scott Pruitt

[Click Here To Watch The Video](#)

Justin Worland
Time Magazine
October 20, 2017

<http://time.com/4990060/scott-pruitt-interview-epa-schedule-meetings/>

The head of the Environmental Protection Agency defended his meetings with energy companies, chemical manufacturers, automakers and other industry groups, arguing that they were "stakeholders" not "polluters."

In an exclusive interview with TIME on Oct. 18, former Oklahoma attorney general Scott Pruitt argued that the recent criticism of his schedule, which showed he met with environmental groups less than 1% of the time, was inaccurate.

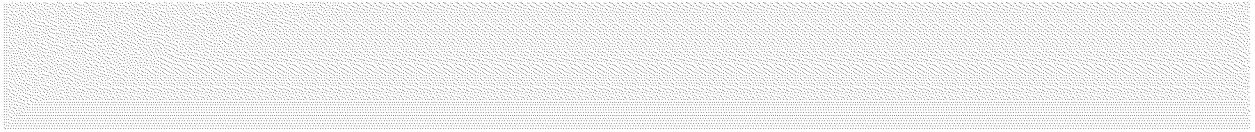
"I don't spend any time with polluters. I prosecute polluters," says Pruitt. "What I'm spending time with are stakeholders who care about outcomes. I think it's a wrong premise. It's Washington D.C.-think to look at folks across the country—from states to citizens to farmers and ranchers, industry in general—and say they are evil or wrong and we're not going to partner with them."

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Fri 10/20/2017 11:10:26 AM
Subject: EPA Chief Declares Dioxin Dump "Dangerous", Pledges Clean Up

FOX26: Critics suggested Pruitt would be hesitant to take on the Fortune 500 companies financially responsible for the expensive cleanup. But today Pruitt emphatically pledged the full authority of his agency to force an effective cleanup. (FOX 26, 10/20/17)

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FOX 26 - HOUSTON

EPA Chief Declares Dioxin Dump "Dangerous", Pledges Clean Up

[Click Here To Watch The Video](#)

NOTE: "Critics have suggested the EPA chief would be hesitant to take on the pair of Fortune 500 companies financially responsible for the expensive cleanup. But today Pruitt emphatically pledged the full authority of his agency to force an effective cleanup."

FOX 26 - Houston
October 20, 2017

<http://www.fox26houston.com/news/epa-chief-declares-dioxin-dump-dangerous-pledges-clean-up>

Thirty-four days after personally inspecting the leaking, largely submerged Dioxin dump known as the San Jacinto River Waste Pits, EPA Administrator Scott Pruitt returned to Houston to tell stakeholders exactly why he's ordered complete removal of the Superfund site and all the cancer-causing material within it.

"To be on the ground, to witness the threat, the danger that this site poses to the community in person makes a big difference and I'll tell you the difference it makes is urgency," said Pruitt at a gathering hosted by Harris County Attorney Vince Ryan.

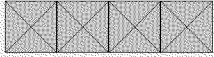
Pruitt says leaving the 15,000 truck loads of Dioxin waste in place was an untenable option given the likelihood of future hurricanes disrupting the dump and spreading material which will remain toxic for the next seven centuries.

Critics have suggested the EPA chief would be hesitant to take on the pair of Fortune 500 companies financially responsible for the expensive cleanup. But today Pruitt emphatically pledged the full authority of his agency to force an effective cleanup.

"So many issues that compound this site that we need permanence, certainty, confidence that there is not going to be a release in the future. I can assure you from the EPA perspective that we are going to use every bit of jurisdiction, every tool under the statute to get this area remediated," said Pruitt.

Adding urgency to the "dig and haul" solution is the revelation today that rains from Hurricane Harvey literally washed away 6,700 square feet of the toxic waste dump.

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Thur 10/19/2017 11:51:16 PM
Subject: Administrator Pruitt Meets with Superfund Stakeholders in Texas

CONTACT: press@epa.gov

Administrator Pruitt Meets with Superfund Stakeholders in Texas

Holds Meeting with Local Stakeholders; Environmental Groups

HOUSTON (October 19, 2017) – Today, Environmental Protection Agency (EPA) Administrator Scott Pruitt met with stakeholders at the Harris County Office who are monitoring cleanup efforts at the San Jacinto Superfund site that is contaminated with highly toxic dioxin. *Last week*, Administrator Pruitt signed a Record of Decision that approved a \$115 million cost-effective cleanup plan of the toxic site that will completely remove highly contaminated material from the site and secure the less contaminated areas. This will also provide overall certainty by permanently addressing the contamination risks instead of capping the site.

Administrator Pruitt visited the San Jacinto Superfund site last month to review Agency response efforts following Hurricane Harvey.

"For nearly a decade, the San Jacinto site has lingered on the national priority list and gone largely ignored," **said Administrator Pruitt**. "This Agency is committed to helping dispose of these toxic materials in a cost-effective and efficient way to better ensure a healthy and safe environment for nearby residents."

While in Houston, Administrator Pruitt held a roundtable with EPA officials overseeing the site, local stakeholders, and environmental groups to discuss the cleanup efforts. Attendees included: Acting Regional Administrator for Region 6 Sam Coleman, Texas Health and Environmental Alliance Executive Director Jackie Young, Scott Jones of the Galveston Bay Foundation, Bob Stokes of the Galveston Bay Foundation, Jennifer Ronk of the Houston Advance Research Center, Harris County Attorney Vince Ryan and staff, and Linda Henry of the Port of Houston Authority.

"We are deeply appreciative of Administrator Pruitt's promptness and clarity in making this decision. We want to work with him to get this site cleaned up now," **said Vince Ryan, Harris County attorney**.

Following the meeting, Administrator Pruitt delivered remarks to the Texas Oil & Gas Association in The Woodlands, Texas to discuss EPA's agenda to provide regulatory certainty in the marketplace.

EPA Administrator Scott Pruitt meets with local stakeholders in Houston, Texas.

EPA Administrator Scott Pruitt greets attendees.

EPA Administrator Scott Pruitt with local stakeholders.

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Thur 10/19/2017 11:58:06 AM
Subject: WSJ: Stopping Sue and Settle

THE WALL STREET JOURNAL

Stopping Sue and Settle

Stopping Sue and Settle

The EPA moves to limit extortion by environmental lawsuit.

Editorial

October 18, 2017

<https://www.wsj.com/articles/stopping-sue-and-settle-1508369052>

Scott Pruitt continues to press reform at the Environmental Protection Agency, this week issuing a directive to curb the collusive Washington game of “sue and settle” lawsuits. This is a victory for democratic consent over legal extortion.

For years green activists have used sue and settle to impose policies they can’t get through Congress. Their allies in the EPA would invite lawsuits, then settle with the greens by agreeing to implement some or all of their policies in consent decrees. When citizens or business complained, EPA would claim its hands were tied by the settlement.

Mr. Pruitt saw the abuses first-hand as Oklahoma’s attorney general, notably as the state battled over the EPA’s Regional Haze Plan. Under the Clean Air Act, states are supposed to develop programs to reduce emissions. Oklahoma came up with a smart plan to do so at minimal cost by replacing coal with natural gas.

But under a consent decree between the EPA and green litigants, the federal government prescribed a plan that required retrofitting six Oklahoma power plants with sulfur-dioxide controls. The cost: \$1.8 billion. Even as the state’s utility bills skyrocketed, “the resulting impact on regional haze would be practically imperceptible,” Oklahoma Gas & Electric concluded.

The agency overrode 17 states’ regional haze programs after sue-and-settle agreements. In total, the Obama EPA imposed a record-breaking 55 federal implementation plans under the Clean Air Act. And since 2009 EPA agreements with litigious environmental groups have resulted in no fewer than 137 new Clean Air Act regulations. The costs of several of these rules run well into the billions, including some of the most expensive ever written.

Mr. Pruitt’s directive says the EPA will no longer commit to specific policy outcomes in its settlements or consent decrees, instead agreeing only to review a rule or provision. It will also require the EPA to provide vastly more opportunity for diverse public comment.

Too often, bureaucrats and greens have been the sole parties involved in sue-and-settle negotiations. That has meant no dissenting perspectives and no representation for voters and consumers who pay for heavy-handed federal regulation. Under the new directive, the EPA will invite

states and industries affected to weigh in. Proposed consent decrees and settlements will be open to public comment the way new or modified regulations are now.

Environmental groups will also no longer be considered the “prevailing party” when litigation does end in settlement. This is an immediate victory for taxpayers, given that green activists have used their prevailing party status to get the EPA to reimburse them for millions of dollars in legal fees.

These are useful changes that will improve transparency and lead to more honest policy. They are also a lesson to Congress that it needs to write environmental law with more precision so the next EPA Administrator can’t easily revive sue and settle.

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Tue 10/17/2017 10:19:21 PM
Subject: "Administrator Pruitt Is Cleaning Up The EPA By Ending This Insider Game"

WHAT THEY ARE SAYING ...

"Administrator Pruitt Is Cleaning Up The EPA By Ending This Insider Game"

House Majority Leader Kevin McCarthy (CA-23) "Sue and settle is a completely illegitimate way for radical special interests to circumvent the regulatory process and impose new rules. Administrator Pruitt is cleaning up the EPA by ending this insider game that lets the well-connected get special treatment at the expense of everyone else. The EPA should focus on keeping the environment clean, which is why I couldn't support Administrator Pruitt's decision more."
([Congressional Western Caucus](#), 10/16/17)

U.S. Senator John Barrasso (R-WY), Chairman Of The Senate Committee On Environment And Public Works "EPA Administrator Pruitt's directive will increase transparency so that the agency makes policies that are fair and informed. The Environmental Protection Agency should not make regulations by settling lawsuits behind closed doors. Under the last administration, the EPA advanced its political agenda by abusing its authority and leaving states and Congress in the dark. The public deserves to know how its government is operating." ([Senate Environment & Public Works Committee](#), 10/16/17)

U.S. Senator Ted Cruz (R-TX) "The announcement from the EPA to end 'sue and settle' practices in the EPA is a major victory for millions of hardworking Texas landowners. For far too long, the EPA has colluded with special interest groups, resolving litigation through consent decrees and settlement agreements behind closed doors. I commend Administrator Pruitt for his leadership on this issue and ending the practice of regulation through litigation. I urge my colleagues in both the House and the Senate to pass the *Sunshine for Regulatory Decrees and Settlements Act*, to codify this policy into law, providing lasting transparency and accountability to the agency." ([Office of Senator Ted Cruz](#), 10/16/17)

U.S. Congressman Doug Collins (GA-9) "No government agency should collude with special interest groups to redefine its priorities through covert consent decrees. The EPA's decision to crack down on this practice will give Americans back their right to know about and respond to federal rulemaking, and I applaud Secretary Pruitt for taking this step today. I will continue working to snuff out back-room litigation that unfairly impacts our citizens. The EPA's directive reflects the principles outlined in the *Sunshine for Regulatory Decrees and Settlements Act*, which would ensure that the sue-and-settle mischief we witnessed during the last administration would never again take hold in a federal agency." ([Congressional Western Caucus](#), 10/16/17)

U.S. Congressman Jason Smith (MO-8) "It's wrong for Washington to leave the 'sue and settle' loophole open and waste Missourians hard-earned money paying attorney fees for radical environmentalist groups and other radical, left wing organizations. I'm proud that my legislation to fix this problem was passed by the U.S. House of Representatives and that the EPA is following suit

with closing this harmful loophole.”(Congressional Western Caucus, 10/16/17)

U.S. Congressman Blake Farenthold (TX-27) “I agree with Administrator Pruitt’s decision designed to end the abusive practice of sue and settle agreements. The process creates an unfair system where special interest groups win, and taxpayers lose. For years, we have warned that abuse of consent decrees circumvents the legislative process. It is time to restore an open process that allows input from the American people.”(Congressional Western Caucus, 10/16/17)

U.S. Congressman Paul Gosar (AZ-4) “EPA Administrator Pruitt and President Trump deserve our sincere thanks for taking bold action to end the fraudulent ‘sue and settle’ practices within the EPA. For years, extremist special-interest groups have milked taxpayers for millions that they turned around and used to fund anti-business measures that killed jobs. Shamefully, the EPA often colluded with these groups and folded like a cheap suit. It is a breath of fresh air to see an administration with a backbone end this abuse.”(Congressional Western Caucus, 10/16/17)

U.S. Congressman Steve Pearce (NM-2) “For years, the EPA has prioritized special interest groups over the interests of Americans. The sue-and-settle process denies Americans transparency and allows decisions to be made behind closed doors. Ending this practice will allow U.S. citizens to have a say in major agency actions as it should be. It is encouraging to see Secretary Pruitt act on his commitment to hold the agency to a higher standard, cutting government red tape that ensures transparency and accountability for the EPA.” (Congressional Western Caucus, 10/16/17)

U.S. Congressman Bruce Westerman (AR-4) “I commend Administrator Pruitt’s decision to end the egregious practice of ‘sue and settle.’ Through ‘sue and settle,’ the previous administration effectively removed the voice of the American people in environmental regulatory issues and replaced it with the opinion of special interest groups. I’m glad to see that the EPA will no longer allow themselves to be dictated to by threat of lawsuit.” (Congressional Western Caucus, 10/16/17)

U.S. Congressman Kevin Cramer (ND-AL) “The Obama Administration was a breeding ground for extreme environmental groups suing the federal government only to get behind closed doors and reach a friendly settlement agreement. Not only did these settlements circumvent the transparent rulemaking process and prioritize agency obligations to environmentalists’ liking, but it enriched the environmental group lawyers in the process at the expense of the taxpayer. I’m pleased to see the Trump Administrator stomp out this practice mirroring many of the reforms put forward by House Republicans.” (Congressional Western Caucus, 10/16/17)

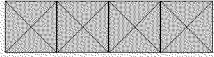
U.S. Congresswoman Liz Cheney (WY-AL) “I strongly support EPA Administrator Pruitt’s directive to end the practice of ‘Sue & Settle.’ For far too long the Obama-era EPA worked hand-in-hand with far-left environmental organizations to promote their extreme agenda at the expense of hard working men and women in Wyoming. This directive starts a necessary path for the EPA to correct and restore the transparency that was often lacking during the Obama Administration and prevent Wyoming taxpayer dollars from being used to feed an endless cycle of frivolous lawsuits.” (Congressional Western Caucus, 10/16/17)

U.S. Congressman Markwayne Mullin (OK-2) “I support Administrator Pruitt’s directive to end the ‘sue and settle’ practices at the EPA. This practice of settling lawsuits behind closed doors lacks the transparency that the American people deserve and circumvents Congress’ role of passing smart and effective regulations. This directive will hold the EPA accountable and deliver a more transparent regulatory process.” (Congressional Western Caucus, 10/16/17)

U.S. Congressman Greg Gianforte (MT-AL) “I am pleased by Administrator Pruitt’s announcement that the EPA will terminate its sue-and-settle practice. The previous administration used sue-and-settle as an end run to do what they could not get done legislatively. I have worked with my

colleagues for a legislative fix to prevent environmental special interests from getting paid through sue-and-settle. Administrator Pruitt's decision is a promising first step, and I hope more is done to end this practice." ([Congressional Western Caucus](#), 10/16/17)

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Mon 10/16/2017 9:26:00 PM
Subject: Trump's EPA Curbs "Sue-And-Settle" Practice

WHAT THEY ARE SAYING ...

Trump's EPA Curtails "Sue-And-Settle" Practice

BLOOMBERG: "The Trump administration moved Monday to curb settlements with conservationists and industry, instead vowing to fight cases designed to force the Environmental Protection Agency to take action. EPA Administrator Scott Pruitt said he is ending a 'sue-and-settle' practice that has resulted in closed-door agreements committing the agency to regulating greenhouse gas emissions or mercury pollution from power plants. 'It's very important that we do not engage in rulemaking through litigation,' Pruitt told reporters at a briefing Monday. As of today, with this directive and the memorandum, we're no longer going to be involved in that practice." ([Bloomberg](#), 10/16/17)

TALKING POINTS MEMO: "Pruitt pledged that the agency would no longer reimburse attorneys' fees in cases where it decides to avoid a lawsuit, arguing that both environmental and business groups had abused it to enrich themselves in the past. 'This is not particular to one type of plaintiff,' he said. 'There should be no attorneys' fees paid, period, no matter who the plaintiff is.'" ([Talking Points Memo](#), 10/16/17)

THE PROGRESSIVE FARMER: "President Barack Obama's U.S. Environmental Protection Agency took a lot of heat from rural America for working with environmental groups that sued the federal government on various aspects of environmental law. Otherwise known as sue and settle, environmental groups and others have made a cottage industry out of suing and forcing EPA to settle. The agency has taken heat for making so-called backroom deals with those groups, often leading to changes in environmental laws. On Monday, EPA Administrator Scott Pruitt announced an agency-wide directive to end the practice." ([The Progressive Farmer](#), 10/16/17)

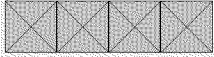
THE WASHINGTON POST: "Environmental Protection Agency Administrator Scott Pruitt issued a directive on Monday to limit the extent to which EPA can reach legal agreements with groups suing to force it to take regulatory action. Ending the practice known as 'sue and settle' has long been a top priority for conservatives and business groups. In recent years, especially under the Obama administration, the EPA and other agencies resolved litigation over delays in issuing rules by agreeing to specific timelines to act and reimbursing plaintiffs' attorney fees." ([The Washington Post](#), 10/16/17)

FOX NEWS: "Republicans, including Pruitt, had fought with the Obama administration in court over what they described as a back-room practice that led to more red tape. They claimed the EPA routinely entered into consent decrees with environmental groups that had sued the agency, in turn leading to new regulations for states – covering clean air rules and more – without allowing them to defend their interests." ([Fox News](#), 10/16/17)

THE WASHINGTON EXAMINER: "The Environmental Protection Agency on Monday became the first of President Trump's agencies to issue an order barring the agency from being drawn into court

settlements that alter environmental outcomes to the liking of environmental and other special interest groups." (The Washington Examiner, 10/16/17)

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Mon 10/16/2017 3:35:00 PM
Subject: Administrator Pruitt Issues Directive to End EPA "Sue & Settle"

CONTACT: press@epa.gov

Administrator Pruitt Issues Directive to End EPA "Sue & Settle"

"The days of regulation through litigation are over," – EPA Administrator Scott Pruitt

WASHINGTON (October 16, 2017) – In fulfilling his promise to end the practice of regulation through litigation that has harmed the American public, EPA Administrator Scott Pruitt issued an Agency-wide directive today designed to end "sue and settle" practices within the Agency, providing an unprecedented level of public participation and transparency in EPA consent decrees and settlement agreements.

"The days of regulation through litigation are over," said EPA Administrator Scott Pruitt. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle."

Over the years, outside the regulatory process, special interest groups have used lawsuits that seek to force federal agencies – especially EPA – to issue regulations that advance their interests and priorities, on their specified timeframe. EPA gets sued by an outside party that is asking the court to compel the Agency to take certain steps, either through change in a statutory duty or enforcing timelines set by the law, and then EPA will acquiesce through a consent decree or settlement agreement, affecting the Agency's obligations under the statute.

More specifically, EPA either commits to taking an action that is not a mandatory requirement under its governing statutes or agrees to a specific, unreasonable timeline to act. Oftentimes, these agreements are reached with little to no public input or transparency. That is regulation through litigation, and it is inconsistent with the authority that Congress has granted and the responsibility to operate in an open and fair manner.

"Sue and settle" cases establish Agency obligations without participation by states and/or the regulated community; foreclose meaningful public participation in rulemaking; effectively force the Agency to reach certain regulatory outcomes; and, cost the American taxpayer millions of dollars.

With today's directive, Administrator Pruitt is ensuring the Agency increase transparency, improve public engagement, and provide accountability to the American public when considering a settlement agreement or consent decree by:

1. Publishing any notices of intent to sue the Agency within 15 days of receiving the notice;
2. Publishing any complaints or petitions for review in regard to an environmental law, regulation,

or rule in which the Agency is a defendant or respondent in federal court within 15 days of receipt;

3. Reaching out to and including any states and/or regulated entities affected by potential settlements or consent decrees;
4. Publishing a list of consent decrees and settlement agreements that govern Agency actions within 30 days, along with any attorney fees paid, and update it within 15 days of any new consent decree or settlement agreement;
5. Expressly forbidding the practice of entering into any consent decrees that exceed the authority of the courts;
6. Excluding attorney's fees and litigation costs when settling with those suing the Agency;
7. Providing sufficient time to issue or modify proposed and final rules, take and consider public comment; and
8. Publishing any proposed or modified consent decrees and settlements for 30-day public comment, and providing a public hearing on a proposed consent decree or settlement when requested.

The full directive and memo can be read [here](#).

The video of the signing can be found [here](#). A downloadable b-roll version can be found [here](#).

EPA Administrator Scott Pruitt signs an Agency-wide directive to end "sue and settle" practices within the Agency.

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Sat 10/14/2017 1:51:19 PM
Subject: CL: EPA Head Addresses Energy Issues

IN CASE YOU MISSED IT

EPA Head Addresses Energy Issues

Anna Wolfe
October 13, 2017

<http://www.clarionledger.com/story/news/local/2017/10/13/epa-water-energy-mississippi/757533001/>

U.S. Environmental Protection Agency Administrator Scott Pruitt visited Mississippi Thursday to discuss proposed changes to the Waters of the United States rule, just days after announcing the repeal of the Clean Power Plan.

The water rule sought to control pollution under the Clean Water Act of 1972 and had extended the federal government's authority over small waterways. Republicans and industry groups argue that it required costly and unnecessary permitting. The rule was also the subject of litigation.

Pruitt said he's meeting with government agencies and stakeholders across the country to get input on how to best craft the new definition of U.S. waters. The definition implemented in 2015, Pruitt argues, "has created substantial confusion."

"The whole focus that they said at the time was 'we're doing this to ensure certainty.' If that was their certainty, they failed miserably. Because truly, land use positions, jurisdictional determination, about where federal jurisdiction begins and ends, has never been more confusing."

Gov. Phil Bryant was among many governors who initiated a challenge to the Waters of the United States rule.

"Regulatory uncertainty has been the greatest impediment to economic growth over the last several years, and it's not just in the energy and environmental space. It's in finance. It's in health care. It's across a full spectrum of agency actions in Washington D.C.," Pruitt told The Clarion-Ledger. "But this WOTUS rule is one that I believe of the greatest example of uncertainty that was created because people literally quit using their land or they were concerned about using the land because of the potential for fines and penalties."

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Thur 10/12/2017 6:21:50 PM
Subject: PHOTOS: Administrator Pruitt Visits Mississippi

CONTACT: press@epa.gov

PHOTOS: Administrator Pruitt Visits Mississippi

Announces Regulatory Action on Pesticide Dicamba

Jackson, Miss. (October 12, 2017) – Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt met with Governor Phil Bryant, farmers and other state leaders to discuss ways to strengthen partnerships with EPA. During the visit, Administrator Pruitt announced that EPA is working on an agreement with the manufacturers of the pesticide dicamba to minimize the potential for drift to damage neighboring crops from the use of the pesticide – an agreement that will allow cotton and soybean farmers to make informed choices for seed purchases for the 2018 growing season.

“Our job at EPA is not to look at folks in Mississippi as adversaries, but as partners,” **said Administrator Pruitt.** “It is of the utmost importance to continue to collaborate with state and local leaders to provide American farmers and ranchers the regulatory certainty they deserve.”

“Mississippi farmers are the original conservationists,” **said Mississippi Governor Phil Bryant.** “I am grateful for Administrator Pruitt’s commitment to working with us to develop strategies that will strengthen agriculture in Mississippi while protecting our environment.”

Administrator Pruitt began his trip with a stop at the State Capitol where he met with Governor Bryant and other state leaders. Following their meeting, Administrator Pruitt and Governor Bryant hosted a roundtable along with Mississippi Commissioner of Agriculture and Commerce Cindy Hyde-Smith, Mississippi Farm Bureau Federation President Mike McCormick, and other stakeholders to discuss EPA’s recent proposal to rescind the 2015 “Waters of the United States” (WOTUS) rule to help ensure regulatory certainty and prioritize keeping America’s water clean.

After the roundtable, Administrator Pruitt and Governor Bryant departed for Gaddis Farms in Bolton where the Administrator announced EPA’s regulatory action on dicamba and took questions from farmers.

EPA Administrator Scott Pruitt with Mississippi Governor Phil Bryant.

EPA Administrator Scott Pruitt (second from right) and Mississippi Governor Phil Bryant (right) greet stakeholders at Gaddis Farms in Bolton, Miss.

EPA Administrator Scott Pruitt greets Ted Kendall, owner of Gaddis Farms.

Mississippi Governor Phil Bryant and EPA Administrator Scott Pruitt speak with Ted Kendall.

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Thur 10/12/2017 4:49:09 PM
Subject: EPA Appoints Jim Gulliford as Region 7 Administrator

CONTACT: press@epa.gov

EPA Appoints Jim Gulliford as Region 7 Administrator

WASHINGTON (October 12, 2017) –Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt announced the appointment of Jim Gulliford of Missouri to become regional administrator for Region 7. Mr. Gulliford will oversee environmental protection efforts in: Iowa, Kansas, Missouri, and Nebraska. He previously held the position of regional administrator for Region 7 from 2001-2006.

Jim Gulliford most recently held the position of executive director of the Soil and Water Conservation Society where he led the organization from 2009-2016. He was responsible for all operation aspects of the non-profit organization that advocated for conservation professionals and for science-based conservation practices, programs, and policy. The organization's mission is to foster the science and art of natural resource conservation on working land – land used to produce food, fiber, and other services that improve the quality of life people experience in rural and urban communities.

Prior to joining Soil and Water Conservation Society, Mr. Gulliford spent nearly a decade at EPA. From 2006-2009, he served as EPA assistant administrator for the Office of Prevention, Pesticides, and Toxic Substances where he was responsible for helping protect public health and the environment from potential risks of pesticides and chemicals. Mr. Gulliford also served as director of the Division of Soil Conservation at the Iowa Department of Agriculture and Land Stewardship for 15 years, where he was responsible for the development and management of soil conservation, water quality, and mine regulation for the state of Iowa.

"Jim Gulliford is unquestionably qualified to lead EPA Region 7," **said EPA Administration Scott Pruitt.** "Not only has Jim dedicated his entire career to protecting the environment and ensuring healthier outcomes for Americans, but he has already demonstrated to be a competent leader for Region 7 during the Bush Administration."

His nomination is receiving high accolades from across the region:

Joel Brinkmeyer, CEO, Agribusiness Association of Iowa: "The selection of Jim Gulliford for EPA's Region 7 Administrator is a great choice by this administration in their efforts to accelerate environmental advancement while enhancing production agriculture. Jim will be able to immediately step up to meet the challenges of the office due to his past successful leadership experience in this same position during the Bush Administration, followed by his experience in Washington DC in the office of Pesticides and Toxic Substances at EPA, and as the CEO for the National Soil and Water Conservation Society. Jim has tremendous understanding of how soil and water resources can best benefit production agriculture, and enhance high quality food production without damaging the environment. In fact, Jim understands that with the right tools and resources, positive impacts can be made to the environment as agriculture continues to improve the technology of modern food production systems. Jim's strong network of midwestern leaders and the scientific community, combined with his positive work ethic, will enhance working relationships with persons of diverse interests to the benefit of urban and rural citizens alike.

"I look forward to working with Administrator Gulliford through the Agribusiness Association of Iowa, and our members, to bring positive solutions to environmental and production challenges."

Jim Macy, Director, Nebraska Department of Environmental Quality: "EPA Region 7 will be well served by the appointment of Jim Gulliford. Jim is a strong leader in conservation and will bring a voice of reason and cooperation for Nebraska, Iowa, Kansas, and Missouri. Nebraska DEQ is ready to work with Jim Gulliford to further improve Federal and State relationships in the true spirit of cooperative federalism."

Rex Martin, Chairman of the Board, Soil and Water Conservation Society: "I have been very fortunate to have worked with Jim for many years including his former roles as EPA Region 7 Regional Administrator, U.S. EPA and as the Executive Director at the Soil and Water Conservation Society. Jim has been successful at applying practical environmental practices on the ground based on sound science while allowing local stakeholder's real world input to drive those activities. Jim's strong work ethic, integrity and transparency makes him an excellent choice for this leadership role."

Steve Taylor, President and Executive Director, Missouri Agribusiness Association: "I am extremely pleased that Jim Gulliford is returning as administrator of EPA Region 7. Over the past three decades, I have worked with Jim on a variety of issues and projects involving water quality and agriculture. Over these years, Jim has been a valuable partner and he has understood the need to keep agriculture profitable as we protected the environment. I look forward to once again working with Jim on the environmental issues that face agriculture today."

Dr. Wendy Wintersteen, Dean of the College of Agriculture and Life Sciences at Iowa State University: "Jim Gulliford brings a tremendous portfolio of knowledge, experience and highly competent leadership to the position of EPA Region 7 Administrator. His previous service on behalf of EPA allows him to step in and begin the vital responsibilities of the position immediately. Jim understands the complexity of environmental issues and the importance of collaboration and communication with partners and stakeholders. He leads with science to guide and ground his work, and that is a common foundation we share in how progress is made."

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Thur 10/12/2017 4:17:04 PM
Subject: EPA approves San Jacinto Waste Pits cleanup plan

EPA Approves San Jacinto Waste Pits Cleanup Plan

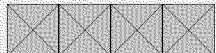
WATCH FOX 26: EPA Approves San Jacinto Waste Pits Cleanup Plan

FOX 26 Houston: "I want to thank EPA Administrator Pruitt for this decision," said Harris County Attorney Vince Ryan. "We appreciate that he visited the San Jacinto site personally and that he had EPA personnel checking it out to discover the dioxin exposure after the hurricane." "The hard work by County Attorney Vince Ryan and his staff has been remarkable. Jackie Young, Galveston Bay Foundation and other activists have been relentless in advocating for this solution and I'm thrilled the EPA made the right decision," said Harris County Precinct 2 Commissioner Jack Morman." ([Fox 26 Houston](#), 10/11/17)

WATCH KHOU-TV: EPA Approves Plan To Clean Up San Jacinto Waste Pits

KHOU NEWS: "'Young said this is a far better solution than the temporary caps on top of the waste pits now – a site Young and her family moved away from because of the health hazards. I've heard many people including my own father say I won't live to see this, and that was one of the best phone calls I got to make today – calling my dad,' [Environmental advocate Jackie] Young said." ([KHOU News](#), 10/11/17)

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Wed 10/11/2017 6:51:12 PM
Subject: Administrator Pruitt Addresses National Tribal Operations Committee

CONTACT: press@epa.gov

Administrator Pruitt Addresses National Tribal Operations Committee

WASHINGTON (October 11, 2017) – Today, Environmental Protection Agency (EPA) Administrator Scott Pruitt addressed the National Tribal Operations Committee (NTOC) where he spoke on the pressing issues facing environmental leaders in Indian country and how best the Agency and tribal leaders can collaborate on their shared goals and challenges.

"EPA is committed to working and partnering with tribal governments to address our shared environmental concerns and challenges," **said Administrator Pruitt**. "I understand the important role that tribal governments play in environmental management, and the unique government-to-government relationship that tribes have with the federal government. The process that we engage in as co-regulators is very important. I believe that regulations ought to make sense, and part of that is engaging directly with tribal governments --taking comments and consulting with tribal governments, so that we are making informed decisions."

In 1984, President Regan published the Federal Indian Policy supporting the primary role of tribal governments matters affecting American Indian Reservations. EPA has worked to recognize the importance of tribal governments in regulatory activities to ensure healthy outcomes for American citizens living on Indian Reservations.

"The 1984 EPA Indian Policy is a critical instrument that provides both the EPA and Native American tribes with principles that illustrate the federal trust relationship," **said National Tribal Caucus Chairman Evaristo Cruz**. "On behalf of the National Tribal Caucus we would like to thank Administrator Pruitt for upholding and honoring this legacy that EPA has instituted."

Administrator Pruitt will continue to work with American's tribal partners and is reaffirming EPA's 1984 Policy that will continue to advance cooperative federalism within the policy's principles.

EPA Administrator Scott Pruitt with members of the National Tribal Caucus.

EPA Administrator Scott Pruitt addresses the National Tribal Operations Committee.

EPA Administrator Scott Pruitt signs a statement reaffirming the principles of the 1984 EPA Indian Policy with National Tribal Caucus Chairman Evaristo Cruz.

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Tue 10/10/2017 4:30:03 PM
Subject: EPA Proposes Repeal Of Clean Power Plan

CONTACT: press@epa.gov

EPA Takes Another Step To Advance President Trump's America First Strategy, Proposes Repeal Of "Clean Power Plan"

WASHINGTON (October 10, 2017) – Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt issued a Notice of Proposed Rulemaking (NPRM), proposing to repeal the so-called “Clean Power Plan (CPP).” After reviewing the CPP, EPA has proposed to determine that the Obama-era regulation exceeds the Agency’s statutory authority. Repealing the CPP will also facilitate the development of U.S. energy resources and reduce unnecessary regulatory burdens associated with the development of those resources, in keeping with the principles established in President Trump’s Executive Order on Energy Independence.

“The Obama administration pushed the bounds of their authority so far with the CPP that the Supreme Court issued a historic stay of the rule, preventing its devastating effects to be imposed on the American people while the rule is being challenged in court,” **said EPA Administrator Scott Pruitt.** “We are committed to righting the wrongs of the Obama administration by cleaning the regulatory slate. Any replacement rule will be done carefully, properly, and with humility, by listening to all those affected by the rule.”

CPP Appears to be Inconsistent with the Clean Air Act

The CPP, issued by the Obama administration, was premised on a novel and expansive view of Agency authority that the Trump administration now proposes to determine is inconsistent with the Clean Air Act. In fact, the CPP was put on hold in February 2016, when the U.S. Supreme Court issued an unprecedented, historic stay of the rule.

“EPA will respect the limits of statutory authority. The CPP ignored states’ concerns and eroded longstanding and important partnerships that are a necessary part of achieving positive environmental outcomes. We can now assess whether further regulatory action is warranted; and, if so, what is the most appropriate path forward, consistent with the Clean Air Act and principles of cooperative federalism,” **said Administrator Pruitt.**

The CPP was issued pursuant to a novel and expansive view of authority under Section 111 of the Clean Air Act (CAA). The CPP required regulated entities to take actions “outside the fence line.” Traditionally, EPA Section 111 rules were based on measures that could be applied to, for, and at a particular facility, also referred to as “inside the fence line” measures. Prior to the CPP being issued, every single Section 111 rule on the books, including a handful of existing source rules and around 100 new-source rules, obeyed this limit. As the CPP departed from this traditional limit on EPA’s authority under an “inside the fence line” interpretation, EPA is proposing to repeal it.

EPA has now sent the NPRM to the Federal Register for publication. Upon publication, the public will have 60 days to submit comments.

The repeal package includes:

1. The “preamble,” which lays out the proposed legal interpretation, policy implications, and a summary of the cost-benefits analysis of the proposed repeal; and
2. The “Regulatory Impact Analysis (RIA),” an in-depth cost-benefit technical analysis.

CPP Repeal Saves up to \$33 Billion in Avoided Costs in 2030

The proposed repeal both examines the Obama administration’s cost-benefit analysis, as well as provides insights to support an updated analysis of the environmental, health, and economic effects of the proposed repeal. The Trump administration estimates the proposed repeal could provide up to \$33 billion in avoided compliance costs in 2030.

The previous administration’s estimates and analysis of these costs and benefits was, in multiple areas, highly uncertain and/or controversial. Specific areas of controversy and/or uncertainty in the Obama administration’s analysis of CPP include:

- **Domestic versus global climate benefits:** The previous administration compared U.S. costs to an estimate of supposed global benefits, and failed to follow well-established economic procedures in estimating those benefits.
- **“Co-benefits” from non-greenhouse-gas pollutants:** The Obama administration relied heavily on reductions in other pollutants emitted by power plants, essentially hiding the true net cost of the CPP by claiming benefits from reducing pollutants that had nothing to do with the rule’s stated purpose.
- **Energy cost and savings accounting:** The Obama administration counted “energy efficiency” results of their rule as an avoided cost, resulting in a cost estimate being considerably lower than it would have been if they used the appropriate practice of considering these effects as benefits, rather than subtracting them from costs. Had the Obama administration used the Office of Management and Budget’s longstanding requirements and accounted cost and savings accordingly, it would have presented a more accurate accounting of the total cost of the CPP.

In this proposed repeal and its accompanying technical documents, this administration is, in a robust, open, and transparent way, presenting a wide range of analysis scenarios to the public.

As part of the notice-and-comment process for this proposed repeal, EPA will continue this analysis and inform the public, as necessary, to get feedback on new modeling and other information. The final action on this proposed repeal will address the results of this ongoing work.

Forthcoming is an Advanced Notice of Proposed Rulemaking (ANPRM) that will be reflective of a thoughtful and responsible approach to regulatory action grounded within the authority provided by the statute.

“With this action, the Trump administration is respecting states’ role and reinstating transparency into how we protect our environment,” **said Administrator Pruitt.**

Background:

On March 28, President Trump signed an Executive Order on Energy Independence, establishing a national policy in favor of energy independence, economic growth, and the rule of law. The purpose of the Executive Order (EO) is to facilitate the development of U.S. energy resources and to reduce unnecessary regulatory burdens associated with the development of those resources. That same day, EPA Administrator Scott Pruitt signed four Federal Register notices in response to the EO, including a formal announcement of review of the Clean Power Plan. After substantial review, the Agency has proposed to determine that the Clean Power Plan (CPP) must be repealed.

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Fri 10/6/2017 8:10:06 PM
Subject: EPA Administrator Visits with Arizona Governor Doug Ducey

CONTACT: press@epa.gov

EPA Administrator Visits with Arizona Governor Doug Ducey

Pruitt Officially Approves Arizona Regional Haze State Implementation Plan

PHOENIX (October 6, 2017): Environmental Protection Agency (EPA) Administrator Scott Pruitt visited with Arizona Governor Doug Ducey today where he officially approved an Arizona Regional Haze State Implementation Plan (SIP) and a withdrawal of Federal Implementation Plan (FIP) for Coronado Generation Station ("Coronado"). This action approves a source-specific revision to the Arizona Regional Haze SIP for Coronado and withdraws from a FIP promulgated by the EPA in 2012 for Coronado, a facility located in eastern Arizona and owned and operated by the Salt River Project Agricultural Improvement District (SRP).

"Governor Ducey and the Arizona Department of Environmental Quality have delivered a thorough plan that aims to improve visibility and reduce emissions that cause regional haze," **said Administrator Pruitt**. "Our goal at EPA is not to use a one-size-fits-all approach to addressing state environmental problems, but to empower our state partners to make their own plans to address their individual environmental needs."

"Arizonans should chart their own destiny, rather than being forced to comply with one-size-fits-all policies from the federal government," **said Governor Ducey**. "What a welcome change to have EPA Administrator Pruitt who understands these decisions are best made at the state level and that taxpayer dollars can be saved by shifting decisions out of Washington, D.C."

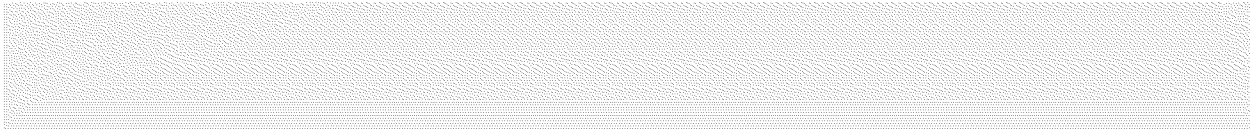
Administrator Pruitt began his visit meeting with Governor Doug Ducey to discuss replacing the Obama-era FIP. Following their meeting, Administrator Pruitt and Governor Ducey held a roundtable with Arizona industry leaders where they discussed the FIP replacement, National Manufacturing Day, streamlining regulatory burdens and permitting, the Agency's proposal to rescind the 2015 "Waters of the United States" rule, and the Agency's review of the Clean Power Plan in light of President Trump's executive order.

EPA Administrator Scott Pruitt and Arizona Governor Doug Ducey

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Thur 10/5/2017 8:22:23 PM
Subject: Andrew Wheeler Nominated as EPA Deputy Administrator

CONTACT: press@epa.gov

Andrew Wheeler Nominated as EPA Deputy Administrator

WASHINGTON (October 5, 2017) Today, President Donald J. Trump announced his intention to nominate Andrew Wheeler as deputy administrator for the U.S. Environmental Protection Agency (EPA).

Mr. Wheeler has spent his entire career working in environmental policy. In addition to spending four years at EPA's Office of Pollution Prevention and Toxics during the George H. W. Bush and Bill Clinton administrations, he also spent many years on Capitol Hill. After serving as general counsel to U.S. Senator James Inhofe, he worked as staff director and chief counsel for two Senate Committees with vital roles in protecting human health and the environment: the U.S. Senate Committee on Environment and Public Works (EPW) and the U.S. Senate Subcommittee for Clean Air Wetlands and Nuclear Safety. Mr. Wheeler currently works as a principal at FaegreBD Consulting providing guidance on federal regulatory and legislative environmental and energy issues.

"Andrew will bring extraordinary credentials to EPA that will greatly assist the Agency as we work to implement our agenda," **said Administrator Pruitt**. "He has spent his entire career working to improve environmental outcomes for Americans across the country and understands the importance of providing regulatory certainty for our country."

His nomination is receiving high accolades from across the country:

U.S. Senator James Inhofe: "I am pleased that President Trump has nominated Andrew Wheeler to serve as deputy administrator at the EPA. There is no one more qualified than Andrew to help Scott Pruitt restore EPA to its proper size and scope. When he served as my staff director of the Environment and Public Works Committee, he provided me with invaluable guidance, and in turn became a close friend. I am confident he will serve the American people and President Trump with exceptional skill in this position, and I look forward to ensuring his swift confirmation."

U.S. Congressman Bill Johnson: "Andrew Wheeler will do a fine job at EPA, helping to ensure the agency's mission of protecting the environment is maintained without the EPA becoming an unnecessary impediment to responsible energy exploration and job creation."

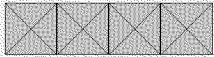
U.S. Congressman David B. McKinley: "With extensive experience working on Capitol Hill, in the Executive branch, and in the private sector, Andrew Wheeler is eminently qualified and a great pick to serve as Deputy Administrator of the EPA. There are few people in Washington who have the same depth of knowledge and experience on energy and environment issues. I look forward to continuing working with Andrew once he is confirmed in his new role."

Former U.S. Senator Joe Lieberman: "Andrew was Republican staff director during part of the time I was on the Senate Environment Committee. We worked together on some issues and disagreed on others. He conducted himself in a fair and professional manner. I hope his nomination will

receive similarly fair consideration by the Senate."

Jay Timmons, President and CEO, National Association of Manufactures: "Andrew's significant experience on Capitol Hill, and his extensive background working on environmental and natural resource policy makes him an outstanding choice to join the leadership at the EPA. Manufacturers have welcomed Administrator Pruitt's efforts to bring balance to rulemaking at the agency and focus on the EPA's core mission. We're confident Andrew will help advance that mission and ensure that our country can achieve the dual goals of responsible environmental stewardship and strong economic growth."

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Thur 10/5/2017 5:55:25 PM
Subject: EPA Announces Appointment of Doug Benevento to Region 8 Administrator

CONTACT: press@epa.gov

EPA Appoints Doug Benevento As Region 8 Administrator

WASHINGTON (October 5, 2017) –Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt announced the appointment of Doug Benevento of Colorado to become regional administrator for Region 8. Mr. Benevento will oversee environmental protection efforts in Colorado, Utah, Wyoming, South Dakota, North Dakota and Montana.

Doug Benevento has spent much of his career working to help protect the environment. As executive director for the Colorado Department of Public Health and Environment, he managed the state's environmental and public health programs. He previously served as the Department's director of environmental programs, where he managed the state's air, water, waste, and consumer protection programs. Since 2010, Mr. Benevento has been working on energy and environmental issues in the private sector at Xcel Energy.

"Doug Benevento's personal connection to the Rocky Mountain state and experience working with environmental leaders across the region will greatly benefit the Agency's mission in protecting the environment in Region 8," **said Administrator Pruitt.**

His nomination is receiving high accolades from across the region:

U.S. Senator Cory Gardner: "Doug Benevento is a great choice to serve as EPA Region 8 Administrator and has the requisite experience as the former Executive Director of the Colorado Department of Public Health and Environment. I look forward to working with Doug to make the communities whole in Southwest Colorado that were impacted by the EPA-born Gold King Mine spill, ensuring the expeditious cleanup of Colorado's Superfund sites remain a top priority for the EPA, and protecting Colorado's environment across all four corners of the state."

Colorado Governor John Hickenlooper: "Doug Benevento has an extensive background working on important environmental issues in the State of Colorado. He provided leadership at the Colorado Department of Public Health and Environment under former Governor Bill Owens and as a staffer to former Senator Wayne Allard. I look forward to working with Doug and the rest of EPA to improve the health of Coloradans and protect the natural resources we treasure as we live, work, and play in this beautiful state."

U.S. Congressman Mike Coffman: "I first met Doug Benevento when he worked for Governor Bill Owens and I've been inspired by his dedication to his community and the State of Colorado ever since. I know that he will do an outstanding job for EPA."

U.S. Congressman Scott Tipton: "I'm pleased with Doug Benevento's appointment as Region VIII EPA administrator. His record of service to the State of Colorado is distinguished, both as the former executive director of CDPHE and on the staff of Senator Wayne Allard. More importantly, he understands western issues and will bring that important perspective to the position, both in the Region and in Washington, D.C.; I applaud the appointment."

U.S. Congressman Ken Buck: "I'm excited to see Doug Benevento appointed as EPA Region VIII administrator. Doug's experience and faithfulness to the law and Constitution will benefit EPA and the people he serves. I'm eager to work him to better steward Colorado's land and resources."

Colorado Attorney General Cynthia Coffman: "Doug Benevento was a valued colleague and leader at the Colorado Department of Public Health and Environment. He brings to EPA's Region 8 a public health perspective that is important to all Westerners who care about protecting natural resources and the environment."

Former U.S. Senator Wayne Allard: "Doug Benevento is an excellent choice for Region VIII EPA Administrator. During my years in Congress I valued Doug's sound and thoughtful guidance on environmental issues. He was particularly helpful to me as we worked towards an early cleanup and closure of Rocky Flats. I was also impressed with his leadership at the Colorado Department of Public Health and Environment during the Owens Administration. I'm confident that in this role he will bring a broad base of knowledge and experience of western issues to EPA."

Former Colorado Governor Bill Owens: "Administrator Pruitt made a sound choice in choosing Doug Benevento to lead EPA Region VIII. During my two terms as Governor he served my administration well at the Colorado Department of Public Health and Environment. He provided effective leadership at a large organization while implementing the policy direction of my administration. More importantly, I've also known Doug as a friend for over 20 years; and EPA is also getting a fine person as well as an effective leader."

Alan Matheson, Utah Department of Environmental Quality Executive Director: "I'm optimistic that Doug Benevento's experience will serve him well in building the collaborative state-EPA partnership needed to protect public health and the environment. Having run Colorado's health and environment agency, Mr. Benevento appreciates the state interest in meeting environmental standards in ways that reflect local conditions, economies, and values. I'm also encouraged that his experience in industry has fostered a practical approach to ensuring environmental compliance."

James Martin, former Region 8 Administrator: "Doug Benevento is a sound choice to lead EPA Region VIII. As a former regional administrator, I understand the challenges of the position and Doug is well suited to take on those challenges. Over the almost 20 years I've known Doug he's brought a thoughtful approach to environmental policy and regulation. This was evidenced during his tenure at CDPHE in the Owens administration. I'm confident he will provide strong and effective leadership at EPA."

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Wed 10/4/2017 6:50:50 PM
Subject: EPA Announces Appointment of Cosmo Servidio to Region 3 Administrator

CONTACT: press@epa.gov

EPA Announces Appointment of Cosmo Servidio to Region 3 Administrator

WASHINGTON (October 4, 2017) –Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt announced the appointment of Cosmo Servidio of Pennsylvania to become regional administrator for Region 3. Mr. Servidio will oversee environmental protection efforts in Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia.

Cosmo Servidio currently holds the position of director of environmental affairs for the Bucks County Water and Sewer Authority in Pennsylvania where he plays a vital leadership role in one of the state's largest water and wastewater utilities. Mr. Servidio oversees operations and facility planning to help identify needed improvements to maintain essential water and wastewater services and provides oversight to ensure utilities comply with all state and federal requirements. Prior to joining Bucks County Water and Sewer Authority, Mr. Servidio served as regional director for the Pennsylvania Department of Environmental Protection for the Southern Region, where he worked to ensure staff implemented the Department's priorities to improve air quality, waste management, radiation protection, remediation, conservation, safe drinking water, dam safety, and clean water programs.

Mr. Servidio also served as the chief of staff for EPA's Region 2 headquarters from 2005-2009, where he helped administer federal programs in implementing the Agency's mission in New Jersey, New York, Puerto Rico, and the U.S. Virgin Islands.

"Cosmo Servidio has spent much of his career providing administrative support for institutions that provide healthy environmental outcomes for the public," **said Administrator Pruitt**. "He brings federal, state, and local administrative experience working in the environmental field and will provide exceptional leadership for Region 3."

Cosmo Servidio's appointment is receiving support from across the region:

Douglas Bilheimer, Executive Director, Pennsylvania Municipal Authorities Association: "We are very pleased to learn that Cosmo Servidio has been appointed to serve as director of EPA Region 3. Mr. Servidio's background at Pennsylvania's Department of Environmental Protection and most recently with one of our largest most progressive municipal authorities will serve him well in his new responsibilities."

Austin Caperton, Secretary of the West Virginia Department of Environmental Protection: "I was very encouraged by my first meeting by phone with Cosmo Servidio. He is obviously experienced and qualified for the position. It was clear that he believes in cooperative federalism and the rights of states. He is clearly in line with the current administration. But most important to me: he listened!"

Ben Grumbles, Maryland Secretary of the Environment: "Cosmo is a seasoned environmental

professional who knows how to build partnerships for progress throughout our region."

Debra McCarty, Commissioner of the Philadelphia Water Department: "Cosmo Servidio is an excellent appointment. He was good to work with at the PA DEP and will bring pragmatism, experience and commonsense to the EPA. I look forward to again working him in this new role to protect the environment."

Maya K. van Rossum, Delaware Riverkeeper: "Cosmo Servidio is the best choice for Regional Administrator. He is highly regarded by throughout the environmental community. This respect has been earned by the fair minded and forthright decisions and actions taken by Cosmo to implement the law and achieve the goals of community and environmental protection. Even if there was a decision Cosmo made in his role as regional director at PADEP that I didn't like or agree with, I always knew it was a decision grounded in the facts, the law and one that Cosmo truly believed was the right outcome. I might not always like the answers Cosmo gave me as a regulator, but I always knew I could trust that he was telling me the truth. That kind of integrity from a Regional Administrator is critical for success, particularly in today's political climate."

Wilmer Stoneman, Director of Commodities and Marketing, Virginia Farm Bureau: "Virginia Farm Bureau certainly welcomes this opportunity to work with Mr. Servidio to balance the needs of Virginia Farmers and the Chesapeake Bay."

Jeff Warmann, CEO and President, Monroe Energy LLC: "Cosmo's leadership is unparalleled. He has a keen ability to bring regulators and business together, ensuring that they communicate effectively and that their shared goals of protecting the environment are achieved. Cosmo and his team were readily available to answer any questions we had or to provide guidance when needed. I want to congratulate Cosmo on his appointment to Region Three Administrator; I know that he will do a tremendous job."

Rob Wonderling, President and CEO of the Chamber of Commerce for Greater Philadelphia: "On behalf of the Chamber of Commerce for Greater Philadelphia we applaud the recent appointment of Cosmo Servidio as the Region III EPA Administrator. Cosmo has served our region well as a public servant and business leader who keenly understands that environmental stewardship and economic growth require consensus, collaboration, and a modern approach to policy and regulation. Cosmo has a proven track record of being a highly energetic leader and innovative leader who actively listens to all sides and perspectives related to complex environmental issues. He also has a keen eye on global trends, solid science, and macroeconomic opportunities that will serve our region and nation well in this new assignment."

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From: EPA Press Office
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Subject: EPA Launches Smart Sectors Program

CONTACT: press@epa.gov

EPA Launches Smart Sectors Program
A Program to Engage American Businesses to Achieve Better Environmental Outcomes

WASHINGTON (October 3, 2017) — Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt announced the launch of Smart Sectors, a partnership program between the Agency and regulated sectors focused on achieving better environmental outcomes. A sector-based, collaborative approach provides a significant opportunity for EPA to consider more forward-thinking ways to protect the environment.

“When we consider American business as a partner, as opposed to an adversary, we can achieve better environmental outcomes,” said **EPA Administrator Scott Pruitt**. “The Smart Sectors program is designed to effectively engage business partners throughout the regulatory process. The previous administration created a narrative that you can’t be pro-business and pro-environment. This program is one of the many ways we can address that false choice and work together to protect the environment. When industries and regulators better understand each other, the economy, public, and the environment all benefit.”

A sector-based approach can provide benefits, such as: increased long-term certainty and predictability, creative solutions based on sound data; and, more sensible policies to improve environmental protection. Program leads for each sector will serve as ombudsmen within the Agency across program and regional offices. Staff will also: conduct educational site tours, host roundtables with EPA leadership, analyze data and advise about options for environmental improvement; maintain open dialogue with business partners and their environmental committees; and, develop reports that profile the impact of each sector on the environment and the economy.

Smart Sectors aims to facilitate better communication and streamline operations internally at EPA. The program is located in the Office of Policy’s Immediate Office, which enables the sector leads to work across EPA’s land, water, air, and chemical program offices, as well as with environmental justice, enforcement and compliance assistance, and other offices, including EPA regional offices.

View Smart Sectors Federal Register Notice [here](#).

EPA’s Associate Administrator for the Office of Policy, Samantha Dravis, and EPA’s Chief of Operations, Henry Darwin, announced the launch at EPA Headquarters on Tuesday, October 3rd, and were joined by representatives from across the American economy, including: Aerospace, Agriculture, Automotive, Cement and Concrete, Chemical Manufacturing, Construction, Electronics and Technology, Forestry and Wood Products, Iron and Steel, Mining, Oil and Gas, Ports and Marine, and Utilities and Power Generation.

“The auto industry is living through what may be its most dynamic moment in history,” said **Mitch Bainwol, president and CEO of the Alliance of Automobile Manufacturers**. “Our technology is transforming the driving experience and mobility models, offering more fuel efficient and safer

transportation for all. We are breaking ground on new plants and expanding existing plants to build the most innovative vehicles in the world. And as we innovate and produce, we are a vital – if not the vital - catalyst for the American economy, providing millions of jobs from coast to coast – building, selling and servicing the vehicles that animate our economy. The Smart Sectors Program benefits us all by providing an open and transparent dialogue on policy that is predicated on solid facts and meaningful data. Protecting the environment while supporting economic growth – these twin goals are paramount, mutually supportive, and enabled by thoughtful collaboration between government and business.”

“The Smart Sectors Program shows it’s a new day at EPA—and that’s good news for the environment and the economy,” said **Michael D. Bellaman, president and CEO of Associated Builders and Contractors**. “The nation’s construction industry welcomes the opportunity to collaborate with regulators to ensure that environmental protection is streamlined and cost effective. That’s the way government can help industry be more productive, create more jobs and grow the economy.”

“The real estate industry’s leaders are committed to sustainable building management and construction practices that tie directly to their business mission,” said **Jeffrey D. DeBoer, president and CEO of The Real Estate Roundtable**. “We look forward to participating in EPA’s Smart Sectors Program to share our industry’s perspectives on how responsible, measurable environmental stewardship can help create jobs, strengthen our economy, spur innovation, and enhance lasting value for our communities.”

“Modern agriculture is environmentally sustainable,” said **Zippy Duvall, American Farm Bureau Federation president**. “From satellite technology and data management to the use of cover crops, farmers and ranchers continue to adopt innovations that are effective in helping them grow more food with fewer resources. That’s good for the environment and good for business. EPA’s Smart Sectors Program provides a framework of welcome collaboration that embraces continued innovation aligned with our commitment to continuous improvement.”

“Manufacturers are committed to protecting the environment and the communities we serve, and we appreciate the efforts of Administrator Pruitt to work with us to jointly address current and future environmental challenges,” said **Ross Eisenberg, vice president of energy and resources policy at the National Association of Manufacturers**. “Smarter, modernized regulations are an essential ingredient in supporting manufacturing job growth here in America, so we are excited that the EPA is ringing in this year’s Manufacturing Day—when we focus on building the next generation of modern manufacturing workers—with a new EPA Smart Sectors Program. This will hopefully yield better, smarter regulations that achieve their environmental goals while empowering manufacturers to be more competitive and create more well-paying jobs in America.”

“We are very pleased that the steel industry can be a part of the Smart Sectors Program, and appreciate the work of Administrator Pruitt and his team to partner with industry to develop a more sensible regulatory framework that better protects human health and the environment,” said **Thomas J. Gibson, president and CEO of American Iron and Steel Institute**.

“The American Wood Council supports a smarter, more sensible and cost-effective regulatory process, such as the approach taken by EPA’s Smart Sectors Program,” said **Robert Glowinski, president and CEO of the American Wood Council**. “AWC represents more than 75 percent of the North American wood products industry, which provides approximately 400,000 men and women with family-wage jobs in the United States. AWC members make wood products that are essential to everyday life from a renewable resource that absorbs and sequesters carbon.”

“The oil and natural gas industry is a major economic engine supporting 10.3 million jobs, is leading

the world in the production and refining of oil and natural gas, and is a world leader in reducing carbon emissions from energy use which today are near 25-year lows,” said **Kyle Isakower, American Petroleum Institute vice president for regulatory and economic policy**. “We welcome this new partnership and look forward to working with the Agency on this program to ensure that industry is doing all it can to protect the environment and support economic growth.”

“We’re grateful Administrator Pruitt invited the American Coalition for Ethanol (ACE) to participate in this Smart Sectors Program,” said **Brian Jennings, ACE executive vice president**. “The biofuels industry is essential to growing the rural economy and protecting the environment.”

“America’s cement manufacturers have a strong track record of finding creative ways to reduce their environmental footprint while producing the high-quality material our economy needs for building everything from homes to highways and hospitals,” said **Todd Johnston, Portland Cement Association executive vice president**. “We look forward to working with EPA and the Administration to protect health and the environment while reducing unnecessary regulatory burdens that undermine economic growth.”

“Community-owned, not-for-profit electric utilities exist to safely provide reliable, low-cost electricity to more than 49 million Americans, while protecting the environment,” said **Sue Kelly, American Public Power Association president and CEO**. “We very much appreciate the EPA’s invitation to participate in the Smart Sectors Program, and look forward to a productive dialogue.”

“The paper and wood products industry faces enormous challenges from costly, complex and vast amounts of regulations that hurt our ability to contribute to economic growth and job creation,” said **Mark Kowlzan, chairman and CEO, Packaging Corporation of America and immediate past chairman of the American Forest & Paper Association Board of Directors**. “We’re pleased to participate in the Smart Sectors Program to achieve common-sense regulatory approaches that protect the environment and allow industry to compete at home and around the globe.”

“We are thrilled to be part of the EPA’s launch of its Smart Sectors Program and are proud to represent an industry that’s always first in line when it comes to partnering with EPA to improve its processes and benefits,” said **John McKnight, senior vice president of government relations for the National Marine Manufacturers Association**. “The recreational boating industry is unique in that while the EPA, the State of California, and many international environmental government agencies place stringent environmental requirements on our products, our customers—the 142 million Americans who went boating last year—also demand and expect clean water and a healthy environment in which to fish, swim, and enjoy watersports. As a treasured American pastime with 95 percent of the boats sold in the U.S., made in the U.S., an estimated 35,000 marine-related businesses, which provide approximately 650,000 jobs, and an estimated \$121 billion in economic impact, the recreational boating industry is one of our country’s driving economic engines that is eager to continue meaningful collaboration with the EPA.”

“Seaports are vital economic engines and create American jobs,” said **Kurt Nagle, American Association of Port Authorities president and CEO**. “Seaport cargo activity accounts for over a quarter of the U.S. economy, supports the employment of more than 23 million people in the United States, and generates over \$320 billion in tax revenue annually. AAPA is excited to partner with the U.S. Environmental Protection Agency on the Smart Sectors Program. Improved communication between industry and EPA can streamline processes for all parties, achieving better environmental results and clearer goals and outcomes. The U.S. port industry looks forward to being part of an ongoing dialogue with EPA that furthers ports’ commitment to their roles as stewards of coastal resources.”

“We welcome the opportunity to explain how long-term, capital-intensive operations like ours – which

require regulatory predictability – can be carefully aligned with important Agency objectives for ensuring health and environmental protection,” said **Hal Quinn, president and CEO of the National Mining Association**. “Regulatory policies will be more effective when they are informed by actual conditions in regulated sectors.”

“Forest Resources Association serves the whole supply chain from the woods to the mill,” said **Ryan Rhodes, director of public relations and government affairs**. “The forest products supply chain supports 2.4 million jobs and is dedicated to the sustainability of forest land through conservation and best practices. We look forward to working together to promote a smarter regulatory outcome, which promotes both jobs and environmental stewardship.”

“Finding a way to combine a deep knowledge of how to protect the environment with an understanding of how construction firms operate is the most effective way to craft programs and policies that deliver significant environmental protections to commercial construction sites,” said **Stephen E. Sandherr, the chief executive officer of the Associated General Contractors of America**. “The Administrator clearly understands that firms will be able to do more to protect the environment if the regulations they must follow are crafted with an understanding of how employers operate.”

“The Smart Sectors Program holds great promise to enable the technology industry to drive environmental protection and economic growth,” said **Gary Shapiro, Consumer Technology Association president and CEO**. “Improved dialogue and collaboration between industry and the EPA at the earliest stages will ideally lead to fewer onerous rules that handcuff innovation and job creation. Working together, we can unleash our nation’s tech sector to help improve environmental performance and increase sustainability across multiple industries.”

“CropLife America is excited to collaborate with EPA and other stakeholders to ensure agriculture-related regulations allow the U.S. food system to advance as well as feed the rising population,” said **Jay Vroom, president and CEO of CropLife America**. “Additionally, we believe that through the Smart Sectors Program and developing productive relationships with the Agency and industry partners, we can successfully create the best approach to supporting both economic growth and advance innovation in agriculture, while protecting the environment.”

“ACC appreciates Administrator Pruitt’s actions to foster a more productive relationship between our industry and the Agency through the Smart Sectors Program, which will help support economic growth in ways that protect our environment,” said **Michael Walls, vice president of regulatory and technical affairs for the American Chemistry Council**. “This program is an opportunity to have a more open and constructive dialogue about how the chemistry industry can continue to fuel the economy through innovation while working with EPA to make American businesses, homes and consumer products more efficient, environmentally friendly and sustainable.”

For more information, visit www.epa.gov/smartsectors

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Thur 9/28/2017 2:32:10 PM
Subject: EPA Announces Appointment of Pete Lopez to Region 2 Administrator

CONTACT: press@epa.gov

EPA Announces Appointment of Pete Lopez to Region 2 Administrator

WASHINGTON (September 28, 2017) –Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt announced the appointment of Pete Lopez of New York to become Regional Administrator for Region 2. Mr. Lopez will oversee environmental protection efforts in New York, New Jersey, Puerto Rico, and the U.S. Virgin Islands.

Pete Lopez has served as a member of the New York State Assembly since 2007 representing a seven county region including Mid-Hudson, Northern Catskills, Southern Tier, and Capital District. Mr. Lopez is currently a member on the New York Assembly Committee on Environmental Conservation and a member of the Task Force on Food, Farm and Nutrition Policy where he has worked to provide proper oversight of New York's health and environment. While serving as a state legislator, Mr. Lopez has worked tirelessly to collaborate in developing and passing the state budget and promoting growth and opportunity for New Yorkers.

"Pete Lopez has spent nearly a decade in one of the country's largest state legislatures working to improve the quality of life of his constituents," **said Administrator Pruitt**. "His familiarity with the region and his experience working to solve environmental problems in New York will be invaluable in helping EPA serve Americans in the Northeast and the Caribbean."

His nomination is receiving high accolades from across the region:

Ladan Alomar, Executive Director of Centro Civico: "Pete Lopez, for more than two decades, has made substantial contributions to improving lives of families in our region; we applaud him for his unconditional commitment to communities that he serves and congratulate him for his appointment to become EPA Regional Administrator."

John Bartow, Executive Director of the Empire State Forest Products Association: "Pete Lopez has been a strong supporter of New York's forests and the forest products industry for several decades. He brings a broad understanding of the importance of sustainably managing natural resources while also meeting the needs of communities and local economies based on those resources. Pete will be a great asset to EPA and its responsibilities in New York, New Jersey, Puerto Rico and the US Virgin Islands."

Peter A. Baynes, Executive Director of the New York State Conference of Mayors: "In his time as a local official and then as a State Assemblyman, Pete Lopez has been widely recognized as a true public servant: hard-working, responsive, and a problem solver. NYCOM is pleased to know that Pete will now have the opportunity to demonstrate that same dedication in his new capacity with the EPA, working collaboratively with city and village officials to protect the environment and enhance the quality-of-life in our communities."

Mike Elmendorf, President & CEO of the Associated General Contractors of New York State: "We congratulate Administrator Pruitt on his appointment of Assemblyman Pete Lopez as EPA

Regional Administrator for Region 2. Pete Lopez is a proven leader and public servant, and we are confident that he will effectively balance responsible stewardship of our environmental resources with economic development, timely decision making and the need for streamlining our regulatory and permitting processes. We look forward to working with Assemblyman Lopez in his new role.”

Gavin Donohue, President and CEO of the Independent Power Producers of New York: “In Pete’s time with the Assembly, he took a balanced approach to energy and environmental policy. In the days after Hurricane Sandy, he had a pulse for what his local community needed and made sure those needs were met responsibly from an environmental standpoint. He will be a credit to the EPA, and independent power producers look forward to working with him.”

David Fisher, New York Farm Bureau President: “New York Farm Bureau has had a long, positive working relationship with Pete Lopez. He understands the needs of the agricultural community and the important role farmers play in environmental stewardship. We look forward to working with him in his new position as Regional EPA Director. Together, we can successfully safeguard our natural resources while balancing the economic and regulatory challenges that farmers face.”

Gerry Geist, Executive Director of Association of Towns of the State of New York: “As a former town supervisor and dedicated public servant, Assemblyman Pete Lopez has consistently found a way to help people by tackling difficult issues and looking for innovative solutions. We look forward to working with Mr. Lopez in his new role as EPA Region II Administrator to help town officials fund and maintain local water, wastewater and storm water infrastructure.”

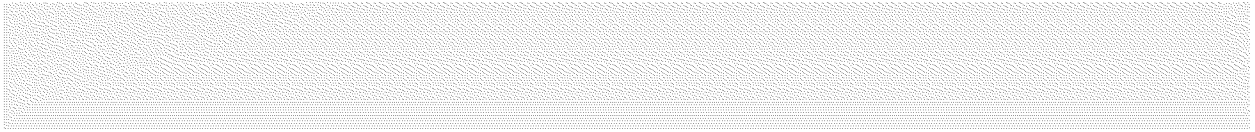
Bob Martin, New Jersey Department of Environmental Protection Commissioner:
“Congratulations to New York Assemblyman Pete Lopez on being named EPA Region 2 Regional Administrator. Assemblyman Lopez has an impressive background in public service and I congratulate Administrator Pruitt on naming someone with the Assemblyman’s record of accomplishment and leadership to this important post. I have had the chance to talk with Assemblyman Lopez and found that he has a strong commitment to protecting the environment, and especially, to working closely with the states and territories within his region. I am looking forward to working with him and the staff of dedicated professionals in EPA Region 2 as we continue to pursue our shared mission of protecting New Jersey’s environment.”

Anne Reynolds, Executive Director of the Alliance for Clean Energy New York: “We congratulate Assemblyman Pete Lopez on this important U.S. EPA appointment. New York has a long-standing and bipartisan tradition of environmental and clean energy leadership, and as a New Yorker, Assemblyman Lopez has experienced first-hand the impacts of severe storms and climate change. We look forward to working with Mr. Lopez as he continues this tradition, uses his well-respected skills at facilitation and problem-solving, and works to protect the air, water, and land of EPA Region 2.”

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Fri 9/22/2017 3:34:24 PM
Subject: CHRON: After Harvey, EPA administrator vows bold response to polluted sites around Houston

THE HOUSTON CHRONICLE

After Harvey, EPA Administrator Vows Bold Response To Polluted Sites Around Houston

Kevin Diaz
September 21, 2017

<http://www.chron.com/news/politics/article/After-Harvey-EPA-administrator-vows-bold-12218929.php>

Environmental Protection Agency Administrator Scott Pruitt, who has visited Texas twice since Hurricane Harvey, vowed Thursday to have "an answer" by next month for a permanent solution to clean up the San Jacinto River Waste Pits.

"What was concerning about that site in advance of the storm, and is a concern today, frankly, and that is that the response, the capping that's taken place, this agency's had to work through remediation efforts every year since 2011," he said in a Chronicle interview. "So there's not been a permanent solution that's really been applied there that provides confidence to the citizens in advance of these kinds of storms."

The EPA Superfund site has been packed with dioxins and other toxic substances from a local paper mill for the past four decades.

"What's needed at San Jacinto is an answer," he said. "What's needed is a permanent solution...and as I indicated on the site, that is coming.... We're going to provide an answer to that site that is going to provide permanency."

One option under consideration, he said, is excavating and removing material around the polluted site, rather than capping it. "The alternative (to capping)," he said, "is excavation."

In the wake of the chemical explosion at the Arkema Inc. plant in Crosby, Pruitt said the EPA has given the company another 30 days to provide information about its risk management plan and the steps it took when the site flooded and its employees were forced to evacuate, leaving behind volatile toxic chemicals that ignited due to lack of power and refrigeration.

The company, in an initial response filed last week, sought a 90-day extension, Pruitt said.

The issue has raised questions about proposed changes to industrial risk management plans, which remain under review.

"There have been questions about risk management plans having too much information that would actually empower and equip terrorists to come in and hit soft targets," Pruitt said. "So there's a balance there."

In a wide-ranging interview, Pruitt also dismissed concerns about the potential closure of the EPA lab in Houston, part of a region that just saw a dozen Superfund sites flood.

Pruitt said the potential closure is part of a nation-wide organization review begun under the Obama administration, and that no decision has been made.

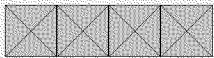
"I would not look at that as a decision that's final," he said. "That's a decision that's under review. Once we get better information through this process we'll be able to make a more complete decision about where regional labs should be located and how they serve the states..."

"This is still under review, and very well could stay in Houston," he added.

"The overriding principle is we will have a presence, it will be a meaningful presence, it will be a partnership, and it will achieve the outcomes that are important in these areas."

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Subject: EXAMINER: EPA needs to stick to its knitting

THE WASHINGTON EXAMINER

EPA Needs To Stick To Its Knitting

Editorial

September 18, 2017

<http://www.washingtonexaminer.com/epa-needs-to-stick-to-its-knitting/article/2634483>

Barack Obama decided that the 1992 Clean Air Act gave the Environmental Protection Agency the authority to force states to regulate carbon dioxide emissions from power plants.

He also expanded the Clean Water Act with a regulation called "Waters of the United States," which aimed to give the EPA regulatory control over land if sometimes it holds standing water.

The running theme of the Obama EPA was expanding the agency's reach and multiplying its responsibilities. This campaign was repeatedly halted by courts, but it has threatened to erode liberty and make life more expensive for families, farmers, and companies.

But the most tangible consequence of the EPA's mission creep has been the neglect of its core functions.

Trump's EPA Administrator Scott Pruitt laid out Obama's legacy in a recent interview with the Washington Examiner. "He left us with more Superfund sites than when he came in," Pruitt said, referring to contaminated lands which the EPA is supposed to be remediating. "He had Gold King and Flint, Michigan," Pruitt went on, referring to the massive 2015 spill of mine waste into the Animas and San Juan Rivers. Obama also left "air quality standards 40 percent of the country in nonattainment," Pruitt added.

The problem? Obama's EPA wouldn't stick to its knitting. Pruitt aptly described the EPA's mindset under Obama: "We think we just ought to re-imagine authority because you know what? We don't know if people are going to pass regulations or states are going to do their jobs."

Pruitt promises to return the EPA to its proper mission and to limit its activities to those actually prescribed by Congress. Will Pruitt's EPA address greenhouse gas emissions? Obama justified his Clean Power Plan by asserting the urgency of the issue. But the executive's belief that an issue is important doesn't give the executive branch the power to address an issue.

The EPA has only the power Congress has given it. Repeatedly, Obama tried to get Congress to pass climate legislation. Repeatedly, he failed. This should have been taken as a sign that there is no democratic will for it. But Obama took these failures exactly the wrong way, deciding that if Congress won't act, he would act on his own.

This is like a soldier deciding that if his officers won't give him permission to shoot, he'll just have to give himself the order to fire.

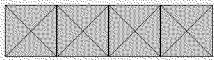
On climate, Pruitt says the relevant question is "what tools are in the toolbox of this agency to deal with CO2?" Neither Pruitt nor Trump are allowed to put tools in there. Only Congress can. "We're not going to simply just make up our authority," Pruitt said.

Doing exactly what you are called to do by the proper authorities is not a very exciting mission. But such is the lot of conservatism. Executive agencies are role-players, and even the president doesn't get to determine their role. The Constitution is very clear that Congress alone has that power.

We applaud Pruitt's mission of restoring the EPA to its proper shape and size. And we hope he has the humility, the diligence, and the skill to pull it off, for the sake of the Constitution, the economy, and the environment.

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Sat 9/16/2017 11:25:57 AM
Subject: VIDEO: EPA Administrator Pledges Permanent Solution For Dioxin Pits

FOX 26 Houston

EPA Administrator Scott Pruitt Pledges Permanent Solution For Dioxin Pits

[Click Here To Watch This Must Watch Video](#)

NOTE: Community activists praised Pruitt's willingness to witness the threat and rapidly respond. "He said he would expedite the decision," said Scott Jones of the Galveston Bay Foundation. "We think that's great. EPA staff has already said removal is the right course." "As long as the waste pits stay in the river, our residents won't feel safe, especially in the storm situations that we have had recently and Administrator Pruitt made it clear, he understands that," said Jackie Young, leader of the Texas Health and Environment Alliance.

FOX 26 - Houston
Greg Groogan
September 15, 2017

<http://www.fox26houston.com/news/epa-administrator-pledges-permanent-solution-for-dioxin-pits>

Two weeks after Harvey floodwaters rampaged the notorious Dioxin dump known as the San Jacinto River Waste Pits, U.S. Environmental Protection Agency Administrator Scott Pruitt put his own boots on the ground and his own eyes on the problem, an inspection without precedent.

As dive teams searched for damage and evidence of leaks, EPA Administrator Pruitt spoke exclusively with FOX 26 News.

"When you have a temporary situation like this, when you take rock and put in on top of a site to secure it, you have a big enough storm, something like this, that could cause a disruption of that rock and a release could occur," said Pruitt. "We pray that it didn't happen here. That's what we are testing."

With much of the 17,000 truckloads of cancer-causing waste still submerged beneath the San Jacinto River, images captured by drone in the storm's wake offered evidence that the dump took a pounding.

Clearly troubled by the hurricane exposure, frequent flooding and gaping holes plaguing the Dioxin pits, Pruitt guaranteed quick action, but withheld, for the time, endorsing the EPA staff's recommendation of complete removal.

"Our team at Region 6, the EPA has really each year had to come in here and provide some kind of remedial effort to the site -- that's not good," added Pruitt. "You don't want that and that's absent a hurricane. So as we look to answers here, they need to be permanent, they need to provide

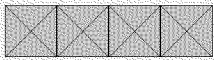
confidence with the people of this area that it's going to be for the long haul and we fix this situation, so that anxiety goes away."

Community activists praised Pruitt's willingness to witness the threat and rapidly respond.

"He said he would expedite the decision," said Scott Jones of the Galveston Bay Foundation. "We think that's great. EPA staff has already said removal is the right course."

"As long as the waste pits stay in the river, our residents won't feel safe, especially in the storm situations that we have had recently and Administrator Pruitt made it clear, he understands that," said Jackie Young, leader of the Texas Health and Environment Alliance.

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Fri 9/15/2017 8:05:00 PM
Subject: EPA Administrator Scott Pruitt Visits Houston To Review Hurricane Harvey Response Efforts

CONTACT: press@epa.gov

EPA Administrator Scott Pruitt Visits Houston To Review Hurricane Harvey Response Efforts

HOUSTON (September 15, 2017) – Environmental Protection Agency (EPA) Administrator Scott Pruitt visited Houston, Texas, today to review the Agency's response efforts in areas affected by Hurricane Harvey.

"EPA remains committed to providing the necessary resources and personnel to ensure those affected by the devastation of Hurricane Harvey receive proper Agency attention," **said Administrator Pruitt.** "We continue to work closely with our federal, state, and local partners to ensure Superfund are being properly secured, fuel prices remain stabilized, and infrastructure and environmental assessments are thoroughly carried out."

Administrator Pruitt began his visit to Texas by touring the San Jacinto River Waste Pits Superfund site and received a briefing from on-the-ground EPA response personnel. Administrator Pruitt was joined by Acting Regional Administrator for Region 6 Samuel Coleman, Chairman of the Texas Commission on Environmental Quality (TCEQ) Bryan Shaw, and Federal Emergency Management Agency (FEMA) officials.

While Administrator Pruitt toured the site, an EPA dive team was conducting underwater inspections. EPA will continue to keep the public informed as assessments of the site continue and site determinations are made by the dive team.

Following his tour of the San Jacinto Superfund site, Administrator Pruitt received an aerial tour of additional affected Superfund sites in the region by the United States Coast Guard. Sites included: Patrick Bayou, U.S. Oil Recovery, San Jacinto River Waste Pits, Highlands Acid Pits, French Unlimited, Brio Refining, and Dixie Oil Processors.

EPA personnel will continue to monitor Superfund sites in Texas affected by Hurricane Harvey, compile data on regulated facilities, sample possible environmental contaminants, and conduct air monitoring of the affected areas.

EPA Administrator Scott Pruitt meets with Acting Regional Administrator for Region 6 Samuel Coleman (right) and other local leaders at the San Jacinto Superfund in Texas.

EPA Administrator Scott Pruitt and Acting Regional Administrator for Region 6 Samuel Coleman speak with Scott Jones of the Galveston Bay Foundation and Jackie Young of the Texas Health and Environment Coalition.

EPA Administrator Scott Pruitt on a Coast Guard aerial tour of regional Superfund sites.

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Thur 9/14/2017 9:11:13 PM
Subject: EPA TO RECONSIDER CERTAIN COAL ASH RULE PROVISIONS

CONTACT: press@epa.gov

EPA TO RECONSIDER CERTAIN COAL ASH RULE PROVISIONS

WASHINGTON (September 14, 2017) The United States Environmental Protection Agency (EPA) has granted two petitions to reconsider substantive provisions of the final rule regulating coal combustion residuals (CCR) as nonhazardous waste under subtitle D of the Resource Conservation and Recovery Act (RCRA).

"In light of EPA's new statutory authority, it is important that we give the existing rule a hard look and consider improvements that may help states tailor their permit programs to the needs of their states, in a way that provides greater regulatory certainty, while also ensuring that human health and the environment remain protected," said **EPA Administrator Scott Pruitt**.

In granting the petitions, EPA determined that it was appropriate, and in the public's interest to reconsider specific provisions of the final CCR rule based in part on the authority provided through the Water Infrastructure for Improvements to the Nation (WIIN) Act. EPA is not committing to changing any part of the rule, or agreeing with the merits of the petition – the Agency is simply granting petitions to reconsider specific provisions. Should EPA decide to revise specific provisions of the final CCR rule, it will go through notice and comment period.

The petition from the Utility Solid Waste Activities Group (USWAG) was submitted May 12, 2017, and seeks reconsideration of 11 specific provisions of the final CCR rule, including provisions prohibiting the use of alternative points of compliance for ground water contamination, regulating inactive surface impoundments, and defining what activities constitute beneficial use of CCR. The petition from AES Puerto Rico LLP was submitted May 31, 2017, and seeks reconsideration of certain on-site storage practices.

The current rule went into effect on October 19, 2015 and regulates how CCR generated from electric utilities and independent power producers is managed and disposed of in surface impoundments and landfills. The rule also defines what constitutes beneficial use of CCR; and, therefore, is excluded from the rule's requirements.

In December 2016, the WIIN Act was enacted into law. Section 2301 of the WIIN Act provides authority for states to operate permit programs under subtitle D of RCRA, as long as the EPA determines that the state's requirements are as protective as the standards in the 2015 final rule or successor regulations. Should EPA decide to revise specific provisions of the final CCR rule, it will go through a notice and comment process.

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Wed 9/13/2017 4:04:35 PM
Subject: Pruitt Discusses His Back-To-Basics Agenda With The Washington Examiner

Pruitt Discusses His Back-To-Basics Agenda With The Washington Examiner

[Click Here To Watch The Video](#)

Scott Pruitt Criticizes Obama As 'Environmental Savior'

Moves EPA Away From Climate Change

Josh Siegel

September 13, 2017

<http://www.washingtonexaminer.com/scott-pruitt-criticizes-obama-as-environmental-savior-moves-epa-away-from-climate-change/article/2634253>

Few Trump administration agency chiefs have moved as decisively to implement an agenda as Scott Pruitt, the administrator of the Environmental Protection Agency, and he's quite clear about what he wants to do.

He calls it a "back to the basics" agenda, removing the government from what he considers extraneous activity — namely, the climate change battle taken up by former President Barack Obama, who he questioned as an "environmental savior."

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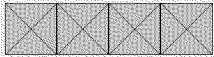
To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Fri 9/8/2017 5:45:26 PM
Subject: ABC NEWS: EPA administrator Scott Pruitt on Hurricane Irma: 'Powerhouse Politics Podcast'

ABC NEWS

EPA Administrator Scott Pruitt on Hurricane Irma: 'Powerhouse Politics Podcast'

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Fri 9/8/2017 1:29:58 PM
Subject: REUTERS: EPA chief says ready to further relax fuel standards due to hurricanes

CORRECTION: The correct headline is: EPA chief says ready to further relax fuel standards due to hurricanes. <http://reut.rs/2gPEyju>

REUTERS

EPA Chief Says Ready To Further Relax Fuel Standards Due To Hurricanes

Valerie Volcovici
Reuters
September 7, 2017

<https://www.reuters.com/article/us-storm-irma-epa/epa-chief-says-ready-to-further-relax-fuel-standards-due-to-hurricanes-idUSKCN1BJ01S>

The U.S. Environmental Protection Agency is preparing for Hurricane Irma's landfall on the U.S. East Coast by securing vulnerable toxic waste sites and easing gasoline standards to ensure steady fuel supplies, its chief told Reuters on Thursday. ...

"The most we can do is help people in these areas by monitoring drinking water and respond to real and tangible issues," he said in a brief telephone interview.

Hurricane Irma is expected to make landfall in Florida as early as Friday after slamming Caribbean islands with 185 mph winds, only days after Hurricane Harvey triggered record flooding in Texas that killed scores of people.

The EPA said has issued waivers on certain federal requirements for the sale, production and blending of gasoline to avoid supply shortfalls in the aftermath of Harvey and as Hurricane Irma approaches Florida.

Pruitt said he spoke with Florida Governor Rick Scott about potentially issuing more waivers on gasoline requirements if the need arises after Irma.

"EPA will grant additional waivers if requested," he said.

He said the agency is also evaluating 80 Superfund toxic waste sites from Florida to North Carolina to identify those at risk of flooding.

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Fri 9/8/2017 12:58:53 PM
Subject: REUTERS: EPA chief says ready to further relax fuel standards due to hurricanes

REUTERS

EPA Chief Pledges to Secure Toxic Sites in Irma's Storm Path

Valerie Volcovici

Reuters

September 7, 2017

<https://www.reuters.com/article/us-storm-irma-epa/epa-chief-says-ready-to-further-relax-fuel-standards-due-to-hurricanes-idUSKCN1BJ01S>

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Fri 9/8/2017 12:03:14 PM
Subject: BLOOMBERG: EPA Chief Pledges to Secure Toxic Sites in Irma's Storm Path

BLOOMBERG

EPA Chief Pledges to Secure Toxic Sites in Irma's Storm Path

Jennifer Dlouhy
September 7, 2017

<https://www.bloomberg.com/news/articles/2017-09-07/epa-chief-pledges-to-secure-toxic-sites-in-irma-s-storm-path>

The Trump administration is applying lessons from Hurricane Harvey's drenching of southeast Texas as it secures toxic waste sites in the path of Hurricane Irma, U.S. environmental chief Scott Pruitt said.

The Environmental Protection Agency's main goal is to make sure there are "enough people on the ground" to quickly assess the integrity of at-risk chemical sites and respond to needs as the monster storm moves through, Pruitt said. Technical staff are already working to secure about 80 Superfund sites in Irma's path from Miami to North Carolina, including a former pesticide plant, military base and machine shop.

"Operationally, we've tried to make sure we apply the same type of approach we used in Texas," Pruitt, EPA's administrator, said in an interview Thursday. "Because of the area and the amount of population that's affected in Florida, we're trying to be even more aggressive." ...

Nearly 200 EPA personnel were deployed in Texas. The agency already has about 77 people working on Irma related efforts and another seven are on the way.

Back-to-back hurricanes hitting the U.S. threaten to strain the federal government's resources, prompting the Senate to pass a \$15.25 billion relief bill Thursday, and renewing a debate about the size and scope of federal agencies. The Trump administration has proposed cutting nearly a third of the EPA's budget for the fiscal year that begins Oct. 1 and culling roughly 3,200 employees from the agency's 15,000-member workforce, a process that has already begun as hundreds of workers accept buyouts.

Pruitt stressed the EPA has not been hit by budget reductions yet, as Congress weighs how much to spend on the agency.

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Thur 9/7/2017 11:28:32 PM
Subject: IRMA UPDATE: Regions 2 and 4 Taking Precautions, Activating Emergency Response Teams

CONTACT: press@epa.gov

IRMA UPDATE: Regions 2 and 4 Taking Precautions, Activating Emergency Response Teams

WASHINGTON – EPA is continuing preparations for Hurricane Irma, which is expected to hit Southern Florida, serviced by EPA Region 4. Irma has already made landfall in Puerto Rico and the U.S. Virgin Islands, covered by EPA Region 2. The Agency is in the process of securing and assessing Superfund sites; compiling data for regulated facilities; granting fuel waivers to help stabilize prices at the pump and ensure emergency vehicles have access to fuel; and, preparing for infrastructure assessments and environmental sampling following the storm.

The Agency is focused on the safety of those in the affected areas and warns that unauthorized entry at any Superfund site, either prior to or following the storm, is prohibited as these sites can be extremely dangerous and can pose significant threats to human health.

The Regional Emergency Operation Center's in both Region 4 and Region 2 are prepared for the following field operations, including: drinking water and wastewater infrastructure assessment; facility assessment; debris and household hazardous waste management; and drinking water and environmental sampling.

As of September 7, 2017, the following information is available:

REGIONAL OPERATIONS CENTERS

- **Region 2:** About 43 personnel are currently involved in hurricane efforts and assessment teams are ready to deploy to Puerto Rico and the U.S. Virgin Islands. These efforts are being augmented by professional staff in EPA Region 2's Caribbean Environmental Protection Division (CEPD).
- **Region 4:** The Region has approximately 34 personnel involved in emergency response efforts. In addition, seven people are scheduled to deploy to Florida, including Regional Administrator Trey Glenn to the State Emergency Operations Center tomorrow.

RISK MANAGEMENT PLANS (RMPS)

- EPA is communicating with the Risk Management Program (RMP) and Facility Response Plan (FRP) bulk oil facilities to ensure they are secure and identify any vulnerabilities.
- EPA's Remedial program is currently performing desk-top triage of all remedial sites in Region 4 coastal states.

FUEL WAIVERS

- Today, EPA extended a low-volatility conventional gasoline waiver through September 26th in

38 states and the District of Columbia.

- Yesterday, EPA issued Red-Dye Diesel fuel waiver for vehicles used for emergency response and evacuations.

REGION 2 SUPERFUND SITES

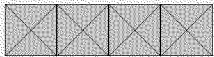
- EPA assessed 23 Superfund and oil sites in Puerto Rico and U.S Virgin Islands to evaluate their vulnerabilities prior to Hurricane Irma hitting. The Region will conduct post-hurricane assessments of these facilities and sites.
- A complete list of Superfund and oil sites has been generated to prioritize post-hurricane visits. Additionally, a list of other regulated facilities has been created to conduct pre- and post-storm facility coordination and assessment.
- EPA teams will focus on immediate threats from hazardous substance releases and oil spills, orphan hazardous containers, household hazardous waste, contaminated debris, and drinking water/wastewater (DW/WW) issues.

REGION 4 SUPERFUND SITES

- Currently 80 sites from Miami to North Carolina are being reviewed and technical staff in Region 4 office are evaluating any vulnerabilities at each site. A list of regulated facilities and sites of potential concern is being refined based on Irma's path, storm surge and 100/500-year flood map predictions.
- If any site in the path of the storm is found to pose an immediate threat to nearby populations, EPA will immediately alert local officials.
- If cleanup activity is on-going at a site, EPA will instruct the on-site contractor to secure the site immediately. This includes evacuating personnel, ceasing all activity, and securing equipment and other potentially harmful materials. If no activity is currently occurring at the site, the site is considered secured but remains closely monitored.
- After the storm passes, floodwaters recede, and it is deemed safe to enter a site, EPA remedial managers and contractors conduct rapid assessments of sites based on priority to identify any damage and initiate cleanup plans if necessary.

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Thur 9/7/2017 10:49:46 PM
Subject: ENVIRONMENTAL LEADERS PRAISE BILL WEHRUM EPA NOMINATION

ENVIRONMENTAL LEADERS PRAISE BILL WEHRUM EPA NOMINATION

Wehrum Nominated to Head Air and Radiation Office

WASHINGTON (September 7, 2017) Today, President Donald J. Trump announced his intention to nominate Bill Wehrum to serve as EPA Assistant Administrator for the Office of Air and Radiation (OAR). Mr. Wehrum has a long history of public service, and previously served as EPA's acting assistant administrator for Air and Radiation from 2005 to 2007 and as EPA's principal deputy assistant administrator and counsel to the assistant administrator for Air and Radiation. He is currently partner and head of the Administrative Law Group at Hunton & Williams LLP where his practice focuses on air quality issues. Mr. Wehrum's career includes over 31 years working in the environmental field through engineering, legal practice, and administrative duties.

His nomination is receiving high accolades from environmental leaders across the country:

Sean Alteri, director, Kentucky Division for Air Quality and 2017 president of the Association of Air Pollution Control Agencies: "Considering his education and experience as a chemical engineer and an environmental attorney, Mr. Wehrum will be well-positioned to provide clear, concise direction to address the many diverse, complex air quality issues. As a student of the Clean Air Act, Mr. Wehrum's knowledge and experience will greatly benefit EPA, state, and local air pollution control agencies. We look forward to working with Mr. Wehrum and EPA's senior leadership to improve air quality in Kentucky and throughout our nation. The Kentucky Division for Air Quality supports Mr. Wehrum's nomination to serve as the assistant administrator of EPA's Office of Air and Radiation."

John Cruden, president-elect of the American College of Environmental Lawyers and assistant attorney general, Environment and Natural Resources Division, U.S. Department of Justice (12/2014-1/2017): "I have worked with Bill Wehrum while he was a senior official at EPA during the Bush Administration, and have followed his impressive career in private practice. I believe he is committed to achieving clean air for all citizens and carefully following sound and current science."

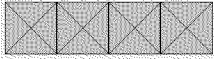
Jeff Holmstead, assistant administrator, Office of Air and Radiation, EPA (2001 –2005): "Bill is committed to the goals of the Clean Air Act and to the rule of law. He is also a person of the highest integrity. I am confident that, within the framework established by Congress, he will work to protect public health and the environment while at the same time pursuing regulatory reforms that will reduce unnecessary regulatory burdens. Truly, there is no better person to serve as the assistant administrator of EPA's Office of Air and Radiation."

Marcus Peacock, EPA deputy administrator (08/2005 – 01/2009): "Bill Wehrum's understanding of the Clean Air Act may be second to none. His desire to pull up his sleeves and actually make the Clean Air Act work as a practical matter is second to none."

Clint Woods, executive director, Association of Air Pollution Control Agencies: "Through his

comprehensive knowledge of the law and experience in the federal government, Bill possesses the background to manage challenging Clean Air Act issues at U.S. EPA and help continue the tremendous air quality progress that has been achieved in our country over the last several decades. Under his leadership, the Office of Air and Radiation will be well-situated to pursue a back-to-basics agenda grounded in cooperative federalism.”

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Thur 9/7/2017 4:28:16 PM
Subject: EPA Approves Emergency Fuel Waivers for 38 States and Washington, D.C.

CONTACT: press@epa.gov

EPA Approves Emergency Fuel Waivers for 38 States and Washington, D.C.

WASHINGTON (September 7, 2017) – EPA Approves Emergency Fuel Waivers for 38 States and Washington, D.C.

As a result of the continuing impacts on Gulf Coast-area refineries and disruption to the fuel distribution system caused by Hurricane Harvey and the effects of large-scale evacuations in response to Hurricane Irma, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt today exercised EPA's emergency fuel waiver authority to help ensure an adequate supply of fuel throughout the country.

EPA has waived requirements for reformulated gasoline through September 26 and low volatility conventional gasoline through September 15 in the following states and the District of Columbia: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, Maryland, New Jersey, New York, Pennsylvania, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Texas, and the District of Columbia. Today's waiver supersedes the waiver issued on August 31.

Today's waiver also waives requirements for low volatility gasoline in El Paso County, Texas through September 16 and to a number of counties in Eastern Texas through September 26.

The waiver authority was exercised under the Clean Air Act and was granted by EPA Administrator Pruitt, in coordination with the U.S. Secretary of Energy Rick Perry.

As required by law, EPA and the Department of Energy (DOE) evaluated the situation and determined that granting a short-term waiver was consistent with the public interest. EPA and DOE are continuing to actively monitor the fuel supply situation as a result of Hurricane Harvey and Hurricane Irma, and will act expeditiously if extreme and unusual supply circumstances exist in other areas.

The sale of gasoline containing up to 15 percent ethanol (E15) must continue to comply with federal rules, which are designed to minimize the potential for E15 being used in vehicles that are not designed to use this fuel.

To mitigate any impacts on air quality, the Clean Air Act provides strict criteria for when fuels waivers may be granted, and requires that waivers be limited as much as possible in terms of their geographic scope and duration.

More information: www.epa.gov/enforcement/fuel-waivers

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Thur 9/7/2017 1:01:14 AM
Subject: EPA Securing Florida Superfund Sites Prior to Hurricane Irma

CONTACT: press@epa.gov

EPA Securing Florida Superfund Sites Prior to Hurricane Irma

WASHINGTON (September 6, 2017) – U.S. EPA, along with federal, state and local partners, is carefully monitoring Hurricane Irma and evaluating the storm's potential threat to Superfund sites in South Florida.

EPA's Region 4 office in Atlanta is contacting approximately 22 current or former National Priorities List (NPL) sites within Florida's southernmost 100 miles. EPA is contacting the sites to ensure that they are secure, and that no contaminants migrate offsite.

EPA will continue monitoring Superfund sites throughout the state and region as the storm's path evolves, and will provide updates as new information becomes available.

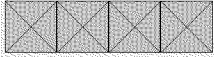
EPA is taking the following steps to evaluate and secure Superfund sites prior to Hurricane Irma making landfall:

- Technical staff in the Region 4 office are currently reviewing the South Florida sites to evaluate any vulnerabilities at each site. Every Superfund site is complex and unique, so the vulnerability of each site varies.
- If any site in the path of the storm is found to pose an immediate threat to nearby populations, EPA will immediately alert local officials.
- If activity is on-going at the site, EPA will instruct the on-site contractor to secure the site immediately. This includes evacuating personnel, ceasing all activity, and securing equipment and other potentially harmful materials.
- If no activity is currently occurring at the site, the site is considered secured but remains closely monitored.
- As part of this review, sites are also prioritized by vulnerability for on-site evaluation once the storm has passed.
- After the storm passes, floodwaters recede, and it is deemed safe to enter a site, EPA remedial managers and contractors conduct rapid assessments of sites based on priority to identify any damage and initiate cleanup plans if necessary.
- Unauthorized entry at any Superfund site, either prior to or following the storm, is prohibited as these sites can be extremely dangerous and can pose significant threats to human health.

These steps are consistent with how EPA has historically prepared Superfund sites for natural

disasters, such as hurricanes. To learn more about EPA's Hurricane Irma preparation and response activities, visit www.epa.gov/hurricane-irma.

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Wed 9/6/2017 10:47:26 PM
Subject: EPA/TCEQ HARVEY UPDATE: AIR QUALITY IMPROVING, MORE WATER SYSTEMS OPERATIONAL

CONTACT: press@epa.gov

EPA/TCEQ HARVEY UPDATE: AIR QUALITY IMPROVING, MORE WATER SYSTEMS OPERATIONAL

Dallas (September 6, 2017) - Working together, the U.S. Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ) continue to coordinate with local, state and federal officials to address the human health and environmental impacts of Hurricane Harvey and its aftermath, especially the water systems in the affected areas. TCEQ has 500 people assisting in response to this natural disaster and EPA has 185.

EPA has begun mobilizing Community Liaisons to the designated disaster counties for Hurricane Harvey. The liaisons will assist the county emergency operation centers in disseminating pertinent information on post flood hazards to municipalities, school districts, and citizens. EPA has now been deployed to the FEMA JFO Joint Information Center in Austin and additional EPA response personnel are being assigned to Beaumont/Port Arthur. This area was previously inaccessible due to lack of facilities. EPA has begun coordination with environmental justice advocates from Texas and Louisiana to provide an update on the impacted areas. EPA has been closely coordinating with the U.S. Coast Guard on a large oil spill in the Houston area, and with city and county officials on a benzene plume identified near the Manchester neighborhood.

As of Sunday, Sept. 3, the following information is available:

Drinking Water: To date, about 2,800 drinking water systems are potentially affected by Harvey have been contacted. Of those: 1,920 systems are fully operational, 168 have boil-water notices, and 50 are shut down. Both EPA and the TCEQ are contacting remaining systems to gather updated information of their status. EPA and the TCEQ are working closely with the Texas National Guard, including the 6th Civil Support Team (supporting TCEQ in Corpus Christi), Arkansas National Guard, 61st Civil Support Team (supporting TCEQ in Houston), and the Texas State Guard Engineering Group, and other local and state agencies to continuously monitor water systems. Assistance teams are in the field working directly with system operators to expedite getting systems back to operational status.

Waste Water and Sewage: Currently, 903 of approximately 1,219 wastewater treatment plants are fully operational and 34 are inoperable in the affected counties. The agencies are aware that releases of wastewater from sanitary sewers are occurring, due to the historic flooding and are actively working to monitor facilities that have reported spills, conduct outreach and provide technical guidance to all other wastewater facilities in flood-impacted areas. EPA and TCEQ are working closely with the Texas National Guard, including the 6th Civil Support Team (supporting TCEQ in Corpus Christi), Arkansas National Guard, 61st Civil Support Team (supporting TCEQ in Houston), and the Texas State Guard Engineering Group, and other local and state agencies to continuously monitor wastewater systems. Assistance teams will be deployed to work directly with system operators to expedite getting systems back to operational status.

Flood Water: Water quality sampling will be focused on industrial facilities and hazardous waste sites. Floodwaters contain many hazards, including bacteria and other contaminants. Precautions should be taken by anyone involved in cleanup activities or any others who may be exposed to flood waters. These precautions include heeding all warnings from local and state authorities regarding safety advisories. In addition to the drowning hazards of wading, swimming, or driving in swift floodwaters, these waters can carry large objects that are not always readily visible that can cause injuries to those in the water. Other potential hazards include downed power lines and possible injuries inflicted by animals displaced by the floodwaters.

Critical Water Infrastructure: The agencies are continuing to work closely with dams. The larger dams are full in many cases and may be releasing water; the structures are secure at this time. There are 340 high- and significant-hazard dams in the impacted areas, and TCEQ has been able to make contact with 200 of these dam owners. Of these 200, only five dams have been damaged or have failed. We have also been notified that three low-hazard dams have damage. TCEQ is continuing to contact dams to get status updates.

Additional EPA/TCEQ updates include:

Superfund Sites: EPA and TCEQ continue to get updates about the status of specific sites from the parties responsible for ongoing cleanup of the sites. So far, TCEQ staff have assessed 12 of the 17 State Superfund sites in the affected areas. TCEQ anticipates completing the remaining 5 assessments by the end of the week depending on accessibility of those remaining sites.

EPA completed site assessments at 13 Superfund sites that have been flooded and/or experience possible damage to the storm. Of these sites, two (San Jacinto and U.S. Oil Recovery) require additional assessment efforts. Assessments of these sites will take several days to complete. The San Jacinto Waste Pits site has a temporary armored cap designed to prevent migration of hazardous material; some areas that rock been displaced and liner is exposed. The potential responsible party has mobilized heavy equipment and is placing rock on different places on the armored cap to repair the defensive surface. The liner is in place and functional so we don't have any indication that the underlying waste materials have been exposed. If we find a breach in the exposed liner, we direct the responsible party to collect samples to determine if any materials have been released. Crews continue to surveying portions of the cap that are submerged and the EPA dive teams will survey the cap underwater when conditions allow. EPA is making plans for longer-term assessments at 41 Superfund sites in the impacted areas as the projects return to their normal remedial cleanups.

Air Quality Monitoring: One of the many preparations for Hurricane Harvey included EPA, TCEQ, and other monitoring entities temporarily shutting down several air monitoring stations from the greater Houston, Corpus Christi, and Beaumont areas. Since then, state and local authorities have been working to get the systems up and running again. As of Tuesday September 5, TCEQ air monitoring network is 100 percent operational in Corpus Christi, 88 percent in Houston, and 71 percent in Beaumont. The network is expected to be fully operational again by next week. Of the available air monitoring data collected from Aug. 24-Sept. 2, all measured concentrations were well below levels of health concern. Monitors are showing that air quality at this time is not concerning, and residents should not be concerned about air quality issues related to the effects of the storm.

An assessment by EPA of the Valero Refinery on Monday, September 5, 2017, confirmed that a tank at the facility did have a leak which occurred on August 26, 2017 from the Hurricane Harvey storm and flooding. EPA also confirmed Valero had taken action to respond to and repair the leak.

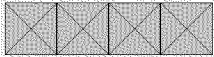
Based on current site conditions including weather, repair actions by Valero, and air monitoring results, EPA's assessment could not confirm the tank was the source of the air release that led to complaints in the area immediately after the storm. EPA's air monitoring performed onsite and around the facility on September 5 does not indicate levels of concern for the community. EPA will continue air monitoring for additional sources in the area.

Fires at Arkema Facility in Crosby: The TCEQ has an open investigation into the Arkema incident that will include an evaluation of any impacts due to the fires at the site. Additionally, after the final notifications are received, the TCEQ will evaluate the reported emissions events to determine compliance with applicable rules, permit provisions, and notification and reporting requirements. The TCEQ and Harris County Pollution Control are coordinating post-event monitoring, sampling, and complaint response activities. The U.S. Chemical Safety Board has initiated an investigation, and law enforcement continues to limit access to the Arkema plant in Crosby. For more information regarding Arkema, please visit <https://www.tceq.texas.gov/news/statement/statement-on-arkema-investigation>

Refineries/Fuel Waivers: In addition to gasoline waivers for 38 states and D.C. and diesel waivers for Texas, EPA signed three No Action Assurance letters on Sept. 1 to help address fuel shortages. NAA will help expedite the distribution of existing gasoline supplies to both Texas and Louisiana, while the refineries work to re-start and resume normal operations. The waivers and NAA letters are effective until Sept. 15 and should allow for the distribution in Texas of 10 million or more gallons of fuel to consumers. TCEQ is working with EPA to consider an extension to the gasoline waivers through October 1st.

For additional information please visit the TCEQ's hurricane response page.

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Wed 9/6/2017 10:40:56 PM
Subject: EPA Approves Emergency Fuel Waiver for Florida

CONTACT: press@epa.gov

EPA Approves Emergency Fuel Waiver for Florida

WASHINGTON (September 6, 2017) – In response to Hurricane Harvey and Hurricane Irma, Environmental Protection Agency (EPA) Administrator Scott Pruitt has approved an emergency fuel waiver request from the Florida Department of Environmental Protection.

EPA has waived the highway diesel fuel red dye requirements to allow the use of 15 parts per million sulfur non-road diesel fuel for on-highway vehicles in Florida as a result of Hurricane Harvey and Hurricane Irma, through September 22.

The waiver authority was exercised under the Clean Air Act and was granted by EPA Administrator Pruitt, in coordination with the U.S. Secretary of Energy Rick Perry. The request was made by Jeffery F. Koerner, Director of the Florida DEP Air Resource Management Division, on behalf of Florida Governor Rick Scott.

As required by law, EPA and the Department of Energy (DOE) evaluated the situation and determined that granting a short-term waiver was consistent with the public interest. EPA and DOE are continuing to actively monitor the fuel supply situation as a result of Hurricane Harvey and Hurricane Irma, and will act expeditiously if extreme and unusual supply circumstances exist in other areas.

To mitigate any impacts on air quality, the Clean Air Act provides strict criteria for when fuels waivers may be granted, and requires that waivers be limited as much as possible in terms of their geographic scope and duration.

More information: www.epa.gov/enforcement/fuel-waivers

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Wed 9/6/2017 2:00:07 PM
Subject: EPA PREPARES FOR HURRICANE IRMA

CONTACT: press@epa.gov

EPA PREPARES FOR HURRICANE IRMA

Regions 2 and 4 Taking Precautions, Activating Emergency Response Teams

WASHINGTON – EPA's organized, emergency response program is preparing for Hurricane Irma, while continuing response efforts around the devastating flooding effects of Hurricane Harvey. Irma, expected to hit Southern Florida, Puerto Rico and the U.S. Virgin Islands, is expected to be a fast-moving storm, with dangerous winds that could cause widespread power outages and damage to property across multiple states and territories of the U.S. While Harvey has been unique in its extreme flooding, Irma's high winds could result in downed powerlines, complicating the ability to pump water through drinking and waste water systems, especially in Puerto Rico.

"After seeing the expert preparedness and ongoing response efforts of our team in Region 6, I am confident that Region 4 and Region 2 can replicate their efforts, as we work together to provide the needed support to local, state and federal agencies around Hurricane Irma," **said EPA Administrator Scott Pruitt.**

EPA headquarters emergency operations center, EPA Region 2 and EPA Region 4 are monitoring the storm closely and making preparations to activate in order to support the U.S. Coast Guard, the Federal Emergency Management Agency and state environmental agencies, to quickly provide support to people affected by the storm.

EPA's Regional office in Atlanta is taking precautions, including: reviewing inventory of, and understanding all sites of interest, in particular Superfund sites in Southern Florida. Initial assessment has approximately 22 current or former National Priorities List (NPL) sites within Florida's southernmost 100 miles. Region 4 is taking necessary actions to shore up these sites appropriately, work with parties responsible for their ongoing cleanups, and ensure that staff in the area are safe.

The Region is also reviewing information about drinking and waste water systems in the potentially affected areas, so that personnel in the field can be best prepared to quickly respond, post storm. EPA staff have been deployed to FEMA's Regional Response Coordination Center, as well as the State of Florida Emergency Operations Center. Region 4 also has additional staff standing by, ready to support state and federal partners if called upon.

With regard to the Mississippi phosphates Superfund site, located in Pascagoula, Mississippi, EPA is taking necessary actions to ensure the treatment plant remains operational during the storm. EPA assumed oversight of the site in February.

"We have been reaching out to all our regional and state agency contacts and I have extreme confidence in our emergency response managers," said **EPA Regional Administrator of Region 4 Trey Glenn.** "As always we stand with our states and FEMA, ready to identify at-risk locations prior

to the hurricane, and will be ready to assess damage quickly after landfall.” Region 4 serves: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and six Tribes.

EPA has identified and conducted initial assessments at approximately 23 Superfund and oil sites in Puerto Rico and U.S. Virgin Islands. In advance of Irma, Region 2 has reached out to all the responsible entities, whether they be our contractors for fund-lead projects or PRPs, for NPL sites, active removal actions and oil response actions, with regard to preparing for the storm. Region 2 serves: New Jersey, New York, Puerto Rico, the U.S. Virgin Islands and eight tribal nations.

“Our biggest health and environmental concerns in Puerto Rico and the U.S. Virgin Islands are potential oil spills and the potential impacts of power disruptions on water supply systems,” said **Acting Regional Administrator Catherine McCabe**. “Region 2 is working with managers of Superfund sites and other facilities that may contain oil or hazardous materials to ensure appropriate precautions have been taken to prevent spills. We are doing our best to prepare and support our citizens in Puerto Rico.”

Region 2 is coordinating with other federal agencies, like FEMA and the U.S. Coast Guard, and local governments in the U.S. Virgin Islands and Puerto Rico. EPA has staff set up at the regional response center in Edison, N.J. and the FEMA response center in Colts Neck, N.J. The Region is ready to deploy additional assets to the islands.

As an Agency, EPA supports hurricane preparedness and response in a number of ways, including:

- **Addressing Fuel Shortages:** The Clean Air Act allows EPA Administrator Pruitt, in consultation with Energy Secretary Perry, to waive certain fuel requirements to address shortages that occur as a result of the storm. If Administrator Pruitt determines that extreme and unusual fuel supply circumstances exist in a state or region as a result of a hurricane, a temporary waiver can help ensure an adequate supply of gasoline is available in the affected area, particularly for emergency vehicles. EPA has an experienced team standing by to expedite handling of any fuel waiver requests by the states or commonwealth.
- **Monitoring Public Water Systems:** Water systems can be severely impacted during hurricanes due to storm surge, flooding, or loss of power from extreme winds. EPA has a tracking system to identify systems in the storm’s pathway. Following the storm, and if the state requests federal assistance, EPA conducts damage assessments of both drinking water and wastewater systems to identify impacts to critical assets and assist in the recovery.
- **Securing Superfund Sites:** EPA assesses conditions at the NPL Superfund sites in the storm’s pathway and tasks each Superfund National Priorities List (NPL) remedial site manager to assess conditions and make on-site preparations for high winds and potentially heavy rainfall. Following the storm and receding floodwaters, EPA conducts rapid assessments to identify damage at sites and initiate cleanup plans if necessary. Any on-site activities at sites located in the storm’s path are ceased until the all clear is given and on-site equipment is secured. In addition, freeboard for lagoons or ponds is increased to accommodate forecasted rainfall if possible. After a hurricane makes landfall and any flooding recedes, the EPA remedial managers will conduct assessments of each Superfund NPL site to ensure no damage has occurred.
- **Assessing Conditions at Major Industrial Facilities:** EPA assesses conditions at the major industrial facilities in the storm’s pathway to identify potential impacts and countermeasures. Following the storm and receding floodwaters, spills and releases are reported to the National

Response Center. NRC notifies the U.S. Coast Guard or EPA based on preapproved jurisdiction boundaries. EPA conducts follow up inspections and damage assessments in response to reports within EPA jurisdiction.

EPA will continue to work with Regions 2, 4 and 6 to address these hurricanes and will continue to provide information to the public as quickly as possible.

As EPA prepares to support FEMA and its local and state partners, it continues to focus its message on the importance of public safety.

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Mon 9/4/2017 10:26:20 PM
Subject: HOUSTON AREA SUPERFUND SITES OPENED TO NEWS OUTLETS TODAY

CONTACT: press@epa.gov

**HOUSTON AREA SUPERFUND SITES OPENED TO NEWS OUTLETS TODAY;
TCEQ/EPA UPDATED LOCAL, NATIONAL LEADERS ON HEALTH,
ENVIRONMENTAL EFFECTS OF HARVEY**

DALLAS (September 4, 2017) – ABC, CBS, CNBC, CNN, & Bloomberg news crews joined TCEQ and EPA technical staff on site at Superfund sites around Houston today. The TV crews, following all health and safety requirements of site managers, shadowed the work of TCEQ and EPA technical experts on the ground at three Superfund sites: U.S. Oil Recovery, Highlands Acid Pits and the San Jacinto Waste Pits.

Crews were able to take videos, photographs and talk directly with technical staff and subject matter experts on the ground. Boats were on the water determining impacts at the temporary armored cap in the San Jacinto River, to provide access to the crews.

"The TCEQ is working closely with the EPA and local officials to assess the status of Superfund sites in the affected area. We will continue this as sites are safely accessible," said TCEQ Chairman Bryan Shaw.

"We are working directly with those responsible for the on-going cleanup of Superfund sites to ensure that we have the most up-to-date information about health and environmental risks to the community from the effects of hurricane Harvey, especially at Superfund sites affected by the storm," said EPA Region 6 Acting Regional Administrator Sam Coleman.

In addition to taking news crews on site today, EPA Acting Regional Administrator Sam Coleman and TCEQ Chairman Bryan Shaw provided an update of their joint efforts to assess the health and environmental impacts of Hurricane Harvey to a local, state and federal officials. The discussion with local officials included: Harris County Judge Ed Emmett, Executive Director of the Harris County Flood Control District (HCFCD) Russ Poppe, Harris County Engineer and Director of Public Infrastructure John Blount and Dr. Umair Shah from the Harris County Public Health Department.

National participants included: officials and experts from the Federal Emergency Management Agency (FEMA), the U.S. Army Corps of Engineers (USACE) and the United States Department of Housing and Urban Development (HUD). Together, they provided updates to and answered questions from U.S. Senator John Cornyn, U.S. House of Representative Majority Leader Kevin McCarthy, U.S. Congressman Randy Weber and other government officials at the Harris County Emergency Operations Center in Houston.

Additionally, Houston Mayor Sylvester Turner and the city's leaders were briefed by EPA and TCEQ senior leadership on multiple issues, including the status of the Superfund sites in and around the Houston area.

As of Sunday, September 3rd, EPA staff was imbedded in Mayor Turner's office to provide continued communication among local, state and federal officials. EPA and TCEQ remain in constant communication with Governor Abbott's office.

In addition, TCEQ and EPA toxicologists and technical experts are on the ground and in the air collecting real-time air monitoring and water quality data. That information is being analyzed by experts now and will be provided to the public as soon as it is available. We encourage the community to continue to follow the expert safety advice of local officials

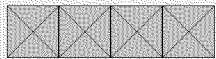
EPA Region 6 Acting Regional Administrator Sam Coleman updates the media on EPA response to Superfund sites affected by Hurricane Harvey

Briefing with local, state and national leaders in Houston

TCEQ Chairman Bryan Shaw meets with U.S. Senator John Cornyn at the Harris Co. Emergency Operations Center.

TCEQ Chairman Bryan Shaw and EPA Acting Regional Administrator for Region 6 Sam Coleman address the media at the San Jacinto Superfund site.

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Sun 9/3/2017 4:19:21 PM
Subject: EPA Response To The AP's Misleading Story

Good afternoon –

Yesterday, the Associated Press' Michael Biesecker wrote an **incredibly misleading story** about toxic land sites that are under water.

Despite reporting from the comfort of Washington, Biesecker had the audacity to imply that agencies aren't being responsive to the devastating effects of Hurricane Harvey. Not only is this inaccurate, but it creates panic and politicizes the hard work of first responders who are actually in the affected area.

Here's the truth: through aerial imaging, EPA has already conducted initial assessments at **41** Superfund sites – **28** of those sites show no damage, and **13** have experienced flooding. This was left out of the original story, along with the fact that EPA and state agencies worked with responsible parties to secure Superfund sites before the hurricane hit. Leaving out this critical information is misleading.

Administrator Pruitt already visited Southeast Texas and is in constant contact with local, state and county officials. And EPA, has a team of experts imbedded with other local, state and federal authorities, on the ground responding to Harvey - none of which Biesecker included in his story.

Unfortunately, the **Associated Press' Michael Biesecker** has a history of letting the facts get in the way of his story. Earlier this summer, he made-up a meeting that Administrator Pruitt had, and then deliberately discarded information that refuted his inaccurate story – ultimately prompting a nation-wide correction. Additionally, the [Oklahoman](#) took him to task for sensationalized reporting.

- [Correction: EPA-Dow Chemical story](#)
- [Associated Press Engulfed in CNN-Level Scandal as It Covers Up Invention of Imaginary Pruitt Meeting](#)

If you're reporting on this misleading story then below is a statement from the EPA.

"Once again, in an attempt to mislead Americans, the Associated Press is cherry-picking facts, as EPA is monitoring Superfund sites around Houston and we have a team of experts on the ground working with our state and local counterparts responding to Hurricane Harvey. Anything to the contrary is yellow journalism." - EPA Associate Administrator, Liz Bowman

BACKGROUND ...

The Hill reports EPA finds 13 Superfund sites possibly damaged after Harvey. "The Environmental Protection Agency (EPA) said Saturday that 13 Superfund sites have been flooded or could be facing damage as a result of Hurricane Harvey. The agency said that two of the sites, which are areas that are polluted with hazardous material and require extensive cleanup, had been

inspected and do not require immediate cleanup. Eleven sites have proven to be inaccessible for response teams, however the agency said teams are in place to inspect the areas once flooding from the storm subsides. In total, the EPA said that it had conducted initial assessments at 41 Superfund sites in impacted areas using 'aerial images' and contact with those responsible for regular cleanup activities." ([The Hill](#), 09/02/17)

In June, the editorial board at the [Oklahoman](#) reminded their readers of the sensationalized reporting that comes from the Associated Press' Michael Biesecker. "The disdain that some in the media have for President Trump and members of his administration is evident regularly. Recent coverage related to EPA administrator Scott Pruitt provides an example of interest to locals because of Pruitt's Oklahoma ties. ... An Associated Press story from Washington last week about emails Pruitt sent and received as attorney general did what it could to further establish Pruitt as a minion for the oil and gas industry — which environmentalists see as dead set on ruining the earth as we know it. The AP, a wire service used by media outlets around the world including The Oklahoman, said the emails 'underscore just how closely' Pruitt 'coordinated with fossil fuel companies' as Oklahoma's AG, 'a position in which he frequently sued to block federal efforts to curb planet-warming carbon emissions.' That's quite an opening paragraph. Pruitt didn't just work with energy companies while attorney general — he worked 'closely' with 'fossil fuel companies' (the ultimate bogey men) to essentially keep global warming from abating. ... The fact Pruitt regularly corresponded and dealt with energy industry officials as attorney general of a state where energy is the No. 1 industry should not be surprising nor should it, by itself, be considered nefarious."

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Sun 9/3/2017 3:43:25 PM
Subject: STATUS OF WATER SYSTEMS IN AREAS AFFECTED BY HARVEY

CONTACT: press@epa.gov

STATUS OF WATER SYSTEMS IN AREAS AFFECTED BY HARVEY

WASHINGTON (September 3, 2017) – Working together, the U.S. Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ) continue to coordinate with local, state and federal officials to address the human health and environmental impacts of Hurricane Harvey and its aftermath, especially the water systems in the affected areas. As of Saturday, September 2nd, 2017, the following information is available:

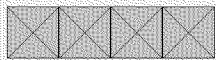
- **Drinking Water:** Half (2300) of the 4500 drinking water systems potentially affected by Harvey have been contacted. Of those: 1514 systems are fully operational, 166 have boil-water notices, and 50 are shut down. The agencies are contacting remaining systems to gather updated information of their status. Assistance Teams are in the field working directly with system operators to expedite bringing systems back to operational status. Additional drinking water assessments should be up and running within the next day.
- **Waste Water and Sewage:** Currently, 1656 of approximately 2469 wastewater treatment plants are fully operational in the affected counties. The agencies are aware that releases of wastewater from sanitary sewers that is occurring, due to the historic flooding and are actively working to monitor facilities that have reported spills, conduct outreach and provide technical guidance to all other wastewater facilities in flood-impacted areas. EPA and TCEQ are working closely with the U.S. Coast Guard, the Texas Military Department, and other local and state agencies to continuously monitor wastewater systems. Houston's unified command will be up and running shortly to support water testing. Assistance Teams will be deployed to work directly with system operators to expedite bringing systems back to operational status.
- **Residential Wells:** EPA is developing a plan for sampling residential wells, and is coordinating with TCEQ to establish several locations where residents can bring water samples from their wells to be tested.
- **Flood Water:** Water quality sampling will be focused on industrial facilities and hazardous waste sites. Floodwaters contain many hazards, including bacteria and other contaminants. Precautions should be taken by anyone involved in cleanup activities or any others who may be exposed to flood waters. These precautions include heeding all warnings from local and state authorities regarding safety advisories. In addition to the drowning hazards of wading, swimming, or driving in swift floodwaters, these waters can carry large objects that are not always readily visible that can cause injuries to those in the water. Other potential hazards include downed power lines and possible injuries inflicted by animals displaced by the floodwaters.

Additional EPA/TCEQ updates include:

- **Superfund Sites:** EPA and TCEQ continue to get updates about the status of specific sites from the parties responsible for ongoing cleanup of the sites. The most recent information can be found [here](#).
- **Air Quality Monitoring:** One of the many preparations for Hurricane Harvey included EPA, TCEQ, and other monitoring entities temporarily removing approximately 75 percent of the stationary air monitoring equipment from the greater Houston, Corpus Christi, and Beaumont areas. Since then, state and local authorities are working to get the systems up and running again. As of Saturday, September 2, over 70 percent of the monitors are up and working again; and authorities expect that the network will be fully operational again by next week. Of the available air monitoring data collected from August 24-September 2, 2017, all measured concentrations were well below levels of health concern. Monitors are showing that air quality at this time is not concerning and local residents should not be concerned about air quality issues related to the effects of the storm.
- **Fires at Arkema Facility in Crosby, Texas:** EPA and TCEQ are coordinating closely with Harris County Officials along with the U.S. Department of Homeland Security, and other local public safety officials. As a result of initial chemical fires while the facility was flooded, EPA has collected downstream surface water runoff samples at four locations outside the evacuation zone, near residential areas. EPA and TCEQ will maintain a 24 hour watch and maintain a 24-hour presence at the incident command operations center near this facility, to support local emergency personnel on the ground. The 1.5 mile radius evacuation zone remains in effect until local emergency response authorities announce it is safe.
- **Refineries/Fuel Waivers:** In addition to waivers for 38 states and D.C., EPA signed four No Action Assurance (NAA) letters on September 1, to help address fuel shortages. NAA will help expedite the distribution of existing gasoline supplies to both Texas and Louisiana, while the refineries work to re-start and resume normal operations. Each is effective until September 15, 2017, and should allow for the distribution in Texas of 10 million or more gallons of gasoline to consumers.

For additional information from TCEQ, please visit: <https://www.tceq.texas.gov/response/hurricanes>

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Sat 9/2/2017 11:35:00 AM
Subject: WIDESPREAD PRAISE FOR MATT LEOPOLD

WIDESPREAD PRAISE FOR MATT LEOPOLD

Leopold Nominated as EPA General Counsel

WASHINGTON (September 2, 2017) Yesterday, President Donald J. Trump announced his intent to nominate Matt Leopold to serve as general counsel for the U.S. Environmental Protection Agency. Mr. Leopold previously served as general counsel for Florida Department of Environmental Protection from March 2013 to February 2015 and as an attorney for the United States Department of Justice Environment and Natural Resources Division from January 2007 to February 2013. He is currently of counsel for Carlton Fields Jorden Burt, P.A. focusing on environment, energy, water law, and litigation.

His nomination is receiving high accolades from environmental leaders across the country:

Marco Rubio, United States senator: "Matt Leopold's experience and knowledge will serve EPA well, and I'm glad the president nominated a Floridian who understands the importance of our state's vast ecosystems to our economy and residents' quality of life."

Pam Bondi, attorney general of Florida: "Matt Leopold was a great asset to the Florida Department of Environmental Protection and I look forward to him working together with my friend Scott Pruitt."

Adam Putnam, Florida commissioner of agriculture: "I'm thrilled to see another Floridian joining President Trump's Administration. After eight years of increased regulations and fees under President Obama, with little to nothing to show for it, I'm grateful for folks like Matt Leopold, who bring a wealth of expertise and experience to Washington, as well as a common sense approach to protecting our environment, while enabling our economy to grow and thrive."

John Cruden, president-elect of the American College of Environmental Lawyers and Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice (12/2014-1/2017): "Matt Leopold was a valued colleague of mine at the Department of Justice. He is committed to the rule of law and can be counted on to give sound and candid advice to EPA decision makers."

Eric Draper, executive director, Florida Audubon: "He has a good legal mind, strong leadership skills and knows how to work with different interests to bring resolution to complicated issues. During Mr. Leopold's tenure at the Florida Department of Environmental Protection, I worked closely with the department on resolution of Everglades water quality issues necessary to settle federal litigation. Being directly involved, I saw that the state was successful in negotiating with USEPA a plan that allowed agreement on, and eventual legislative approval of, a plan called 'Restoration Strategies' to create remedies to meet Everglades water quality criterion."

Eric Eikenberg, chief executive officer, The Everglades Foundation: "Few attorneys in America are as familiar with the legal issues – and importance – of Everglades restoration as is Matt Leopold,

and I heartily applaud his nomination to be the next general counsel of EPA. Our paths have crossed often in the 12 years since I first met Matt. I respect him as an attorney and a person of integrity. He understands the importance of America's Everglades and the critical need for restoration. Matt will serve Florida and our nation well, and I look forward to working with him and EPA to ensure America's Everglades are protected and restored."

Ethan Shenkman, EPA deputy general counsel (05/2014-01/2016) and DOJ deputy assistant attorney general, Environment and Natural Resources Division (03/2010-05/2014): "During the Obama Administration, I served in the DOJ environmental division and then at EPA. During that time, I had the opportunity to work closely with Matt Leopold on a number of environmental issues, where we crafted creative and responsible legal solutions to protect the environment, especially relating to the State of Florida where Matt served as general counsel of the Florida Department of Environmental Protection. In addition to his legal acumen and broad knowledge of environmental law, I believe Matt's previous experience as a well-respected career attorney at ENRD will serve him well should he be confirmed, and will enable him to foster a productive working relationship with the talented and dedicated career staff in EPA's legal shop."

Herschel Vinyard, co-chair, Gulf Coast Ecosystem Restoration Council; secretary, Florida Department of Environmental Protection (01/2011-12/2014): "The first thing that the nation will learn about Matt Leopold is his unassailable integrity. The second thing the nation will learn about Matt Leopold is his unwavering commitment to following the law. I have seen firsthand how he brings those two key traits to the table, applies common sense and arrives at the ideal solution to complex problems. Kudos to the Trump Administration and Administrator Pruitt for making this selection."

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To: **Ex. 6 - Personal Privacy**
From: EPA Press Office
Sent: Sat 9/2/2017 11:30:00 AM
Subject: WIDESPREAD PRAISE FROM ENVIRONMENTAL OFFICIALS FOR DAVID ROSS

WIDESPREAD PRAISE FROM ENVIRONMENTAL OFFICIALS FOR DAVID ROSS

Ross Nominated to Head EPA Office of Water

WASHINGTON (September 2, 2017) - President Donald J. Trump announced yesterday his intent to nominate David Ross to serve as assistant administrator for the U.S. Environmental Protection Agency's Office of Water. Mr. Ross currently serves as Wisconsin assistant attorney general and director of the Environmental Protection Unit for the Wisconsin Department of Justice. As Wisconsin assistant attorney general, he is responsible for managing the environmental litigation unit which prosecutes violations of state environmental and natural resources laws and defends administrative decisions and rules issued by the Wisconsin Department of Natural Resources. Mr. Ross previously served in the Wyoming Attorney General's Office from 2014-2016 as senior assistant attorney general and as a member of the Water and Natural Resources Division.

His nomination is receiving high accolades from environmental leaders across the country:

David Freudenthal, former governor of Wyoming: "Dave Ross is first and foremost an excellent, pragmatic lawyer. His private practice experience in DC combined with his service in two state environmental protection agencies make him uniquely qualified to implement America's nuanced structure of federal and state environmental protection."

Misael Cabrera, director, Arizona Department of Environmental Quality: "Mr. Ross has exceptional credentials and experience for the role of Water Director. In addition, his views on cooperative federalism are exactly what is needed at US EPA."

Carol Comer, director of the Missouri Department of Natural Resources: "The Missouri Department of Natural Resources would welcome the opportunity to work with Dave on our critical water issues. He has valuable experience with complex, multi-state policy decisions, and he understands the infrastructure challenges and needs of states like Missouri that have a significant number of small communities."

David Glatt, chief, North Dakota Department of Health, Environmental Health Section: "Mr. Ross exhibits an excellent understanding of western water issues and challenges faced by rural states and tribal nations. His knowledge and work experience coupled with his willingness to pursue a renewed approach to cooperative federalism make him an excellent candidate for the position."

Elliott Laws, Crowell and Moring LLP, former assistant administrator of EPA's Office of Solid Waste (Clinton): "I know David Ross to be smart, innovative and practical in all of his professional dealings. I fully expect him to bring those qualities with him to the Office of Water."

Todd Parfitt, director, Wyoming Department of Environmental Quality: "Mr. Ross possesses the necessary tools to effectively and appropriately oversee EPA's Water program in a fair, balanced and practical way. He has demonstrated his ability to objectively analyze and consider inputs from all

points of view and formulate a fair and reasoned approach resulting in clear and concise decisions.”

Steve Quarles, attorney at Nossaman LLP, former deputy under secretary of the U.S.

Department of the Interior (Carter): “I have worked with Dave for many years as law firm partners. Dave’s greatest skill may be leading people with diverse views and interests to common ground.

People with such diverse views and interests naturally gravitate to Dave and look to him for leadership. This happens because Dave is highly intelligent, both in mastering issues and devising innovative solutions, and is an excellent listener, encouraging all to participate. He also has exhibited masterful administrative skills – from leading informal cohorts of private attorneys through complex decision making to managing high performing public offices.”

Gary Rikard, director, Mississippi Department of Environmental Quality: “I believe Dave Ross would be an excellent addition to EPA’s Office of Water. His experience and real world view in working for two different states would enhance this administration’s goal of improving cooperative federalism and building relationships between EPA and the states in administering environmental regulations and policy. That perspective, along with his environmental experience and legal background, will be an asset for the Agency.”

Matthias Sayer, deputy cabinet secretary, New Mexico Energy Minerals and Natural Resource

Department: “We out west are beyond satisfied with the appointment of Mr. Ross as the assistant administrator for Water. Mr. Ross has a full understanding of those statutes aimed at protecting our water, coupled with a full understanding of how those statutes can and do impact state and local communities. Furthermore, through his boots on the ground experience, Mr. Ross has gained an appreciation for the important role states play, both in the east and dryer west, in protecting our water, and he understands that it is by working in cooperation with the states that the greatest degree of success in this important program will be achieved.”

John Tippetts, director, Idaho Department of Environmental Quality: “I just recently spoke with David for the first time, but I find him to be a person with significant relative experience, a keen intellect, and a good grasp of the appropriate interplay between states and the federal government as it relates to environmental regulation and enforcement. Additionally, he comes highly recommend to me by others who have worked closely with him. They assure me that he is an excellent choice to serve as assistant administrator for water in the EPA organization.

“More specifically, I can say that I have been impressed with David’s candor and with his understanding of the need for EPA to work more cooperatively with the states. He recognizes that states often have a better understanding of how to address environmental issues within their borders than does the federal government, and I am confident we could work collaboratively to improve the positive outcomes we all desire.”

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Wed 8/30/2017 10:26:04 PM
Subject: Administrator Pruitt Meets With Hurricane Harvey Responders and Officials in Texas

Contact Information: press@epa.gov

Administrator Pruitt Meets With Hurricane Harvey Responders and Officials in Texas

Corpus Christi, Texas (August 30, 2017)— U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt traveled to Corpus Christi today to assess EPA relief efforts and thank responders. Administrator Pruitt also met with local and state leaders to discuss continued relief measures in the aftermath of Hurricane Harvey.

"The devastation endured by Texas this week is unfathomable. As I saw firsthand today, the Lone Star State has shown commendable perseverance in helping their fellow neighbors through this crisis," **said Administrator Pruitt.** "EPA is committed to working with our federal, state, and local partners to provide relief to the affected regions."

EPA has an organized emergency response program and is positioned to support FEMA, state, local and tribal partners. EPA Headquarters' Emergency Operations Center (EOC) has been activated and Administrator Pruitt is in regular contact with EPA staff across the Agency who are part of the hurricane response effort. Helping manage response efforts and focusing on the safety of those affected are the Agency's highest priorities.

EPA supports hurricane preparedness and response in a number of ways, including:

- **Addressing Fuel Shortages:** The Clear Air Act allows EPA Administrator Pruitt, in consultation with Energy Secretary Perry, to waive certain fuel requirements to address shortages that occur as a result of the storm. If Administrator Pruitt determines that extreme and unusual fuel supply circumstances exist in a state or region as a result of the hurricane, a temporary waiver can help ensure an adequate supply of gasoline is available in the affected area, particularly for emergency vehicles. EPA has an experienced team standing by to expedite handling of fuel waiver requests by the states.
- **Monitoring Public Water Systems:** Water systems can be severely impacted during hurricanes due to storm surge, flooding, or loss of power. EPA Region 6 has developed a tracking system for us to identify systems in the storm's pathway. Over 4,000 public drinking water systems have been potentially impacted by hurricane Harvey and flooding in Texas. Both Texas Commission on Environmental Quality (TCEQ) and Louisiana Department of Hospitals have uploaded their potentially impacted systems into Response Manager, which enables planning for rapid assessments to restore water systems after the flood waters recede. EPA and TCEQ are conducting damage assessments of both drinking water and wastewater systems to identify impacts to critical assets and assist in the recovery.
- **Securing Superfund Sites:** EPA assesses conditions at the NPL Superfund sites in the storm's impact area and tasks each Superfund National Priorities List (NPL) remedial site manager to assess conditions and make on-site preparations for high winds and heavy rainfall.

Any on-site activities at sites located in the storm's path are ceased until the all clear is given and on-site equipment is secured. In addition, freeboard for lagoons or ponds is increased to accommodate forecasted rainfall if possible. Today, EPA began rapid assessments at two sites that are accessible after floodwaters have receded and this work will continue.

- **Assessing Conditions at Major Industrial Facilities:** EPA assesses conditions at the major industrial facilities in the affected area to identify potential impacts and countermeasures. Following the storm and receding floodwaters, spills and releases are reported to the National Response Center. NRC notifies U.S. Coast Guard or EPA based on preapproved jurisdiction boundaries. EPA conducts follow up inspections and damage assessments in response to reports within EPA jurisdiction.

Photos from Administrator Pruitt's visit to Corpus Christi today:

EPA Administrator Scott Pruitt meets with officials from Corpus Christi and neighboring towns to discuss Hurricane Harvey recovery efforts.

EPA Administrator Scott Pruitt visits with cleanup staff at a debris action station in Corpus Christi.

EPA Administrator Scott Pruitt is debriefed on recovery efforts at the Port of Corpus Christi Emergency Operations Center.

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To: Ex. 6 - Personal Privacy
From: EPA Press Office
Sent: Wed 8/30/2017 8:04:16 PM
Subject: Administrator Scott Pruitt Statement on President Trump's Tax Reform Proposal

Contact Information: press@epa.gov

Administrator Scott Pruitt Statement on President Trump's Tax Reform Proposal

WASHINGTON (August 30, 2017) – U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt today released the following statement on President Trump's tax reform proposal:

"President Trump is leading the fight for tax reform that will benefit all Americans. At EPA, we have worked to promote regulatory certainty that will help create jobs and produce a cleaner environment. This goes hand in hand with the President's plan to create a tax system that will provide clarity and restore fairness for a more prosperous America."

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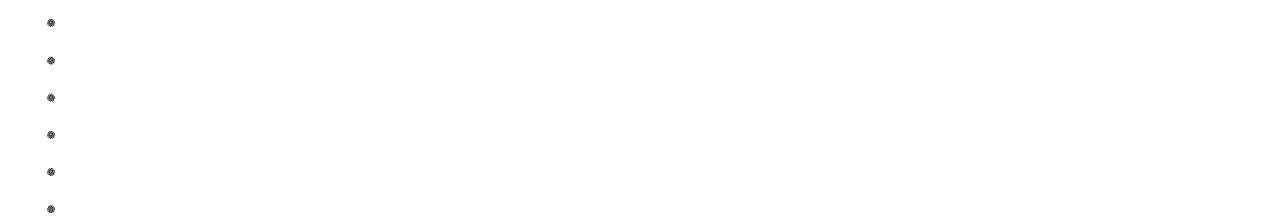
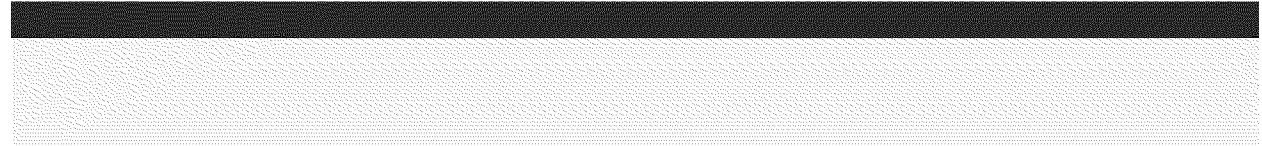
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Sent: Thur 5/18/2017 5:37:29 PM
Subject: External email routing test please ignore

To: Garcia, Will[Garcia.Will@epa.gov];
From: Ex. 6 - Personal Privacy
Sent: Thur 5/18/2017 4:07:03 PM
Subject: test

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Sun 9/10/2017 1:01:28 PM
Subject: Morning Consult Washington, Presented by Freight Rail Works: Week in Review & What's Ahead



[REDACTED]

[REDACTED]

[REDACTED]

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 9/20/2017 4:14:16 PM
Subject: Protesters singing 'We Shall Overcome' disrupt FERC meeting

By Darius Dixon

09/20/2017 12:11 PM EDT

A group of demonstrators disrupted FERC's first public meeting since January today, breaking into "We Shall Overcome" to protest the agency's work on natural gas pipelines and other energy infrastructure projects.

Several security staff removed the protesters who began singing about 30 minutes into the meeting, and they were followed out of the meeting room by a handful of other activists. The protesters have targeted FERC at its regular monthly meetings, criticizing the regulator's role in approving projects they say contribute to climate change.

"You are harming communities," one protester yelled at the commission. "You are here today to continue the approvals of devastating projects — pipeline projects, spewing methane and harming communities. You're stealing property rights."

About two dozen protesters gathered in front of FERC headquarters before the start of the 10 a.m. meeting, carrying signs and pictures of FERC Chairman Neil Chatterjee and Commissioner Rob Powelson.

Chatterjee later defended the agency's work, and said critics can participate in FERC's process if they have concerns.

"I think that one of the great things about this country is people's freedom of expression," Chatterjee told reporters after today's meeting. "We have a process in place in which people can go through to have their voices heard and voice the critiques that they have about actions that the commission takes. ... The commission doesn't promote the projects. We simply evaluate the applications that are submitted to us."

WHAT'S NEXT: The commission's next meeting is scheduled for Oct. 19.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/09/protesters-singing-we-shall-overcome-disrupt-ferc-meeting-093210>

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Arlington, VA, 22209, USA

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 9/20/2017 2:50:54 PM
Subject: Amid leak crackdown, EPA air employees receive instructions on guarding sensitive info

By Emily Holden

09/20/2017 10:48 AM EDT

Staffers within EPA's Air Office are expected to complete an hour-long webinar today about protecting classified information, as the White House aims to crack down on leaks and has directed all agencies to conduct the training.

A Tuesday email from the Air Office's human resources director obtained by POLITICO explains that many but not all Air Office personnel have access to either classified information or controlled unclassified information, such as about critical infrastructure or confidential business information. It said "the White House has tasked federal agencies with reinforcing key concepts in the handling and protecting of this information."

One source at EPA said employees already receive annual training on handling sensitive materials and rarely have access to classified information.

In an earlier email POLITICO reviewed, Donna J. Vizian, acting assistant administrator for EPA's Office of Administration and Resources Management, explained that the White House on Sept. 8 directed all agencies to hold leak-limiting training during this week.

Buzzfeed reported that National Security Adviser H.R. McMaster sent the request along with "[s]uggested training materials," including videos of Attorney General Jeff Sessions' August news conference about leaks and a Fox News interview with the director of the National Counterintelligence and Security Center.

The Air Office email said the improper disclosure of sensitive information "can have serious consequences to national security." But it notes that whistleblowers are protected if they disclose illegal conduct, a waste of funds or threats to the public.

EPA's press office did not immediately respond to a request for comment.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/09/amid-leak-crackdown-epa-air-employees-receive-instructions-on-guarding-sensitive-info-093199>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro
Sent: Fri 9/8/2017 3:00:37 PM
Subject: House sends flood insurance extension to president

By Zachary Warmbrodt

09/08/2017 10:53 AM EDT

The House today passed a Hurricane Harvey aid and government funding package (H.R. 601 (115)) that would extend the National Flood Insurance Program through Dec. 8.

The Senate passed the bill Thursday, and it now heads to the White House for President Donald Trump to sign.

The flood insurance program had been set to expire Sept. 30.

WHAT'S NEXT: Lawmakers are expected to continue negotiating a longer-term reauthorization bill with reforms to the program.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/09/house-sends-flood-insurance-extension-to-president-092649>

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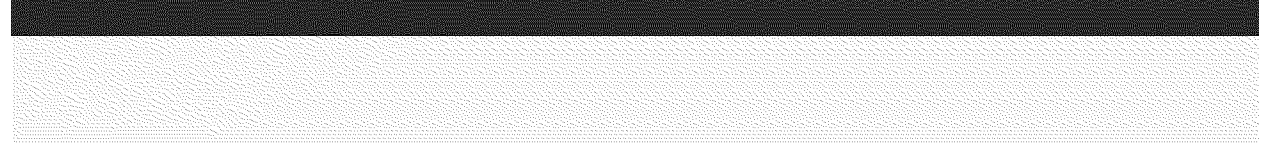
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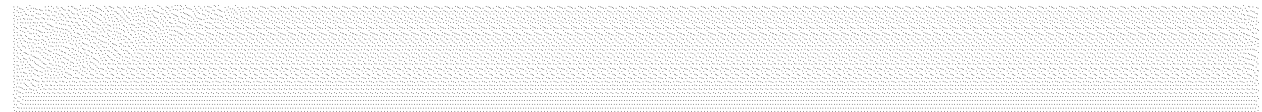
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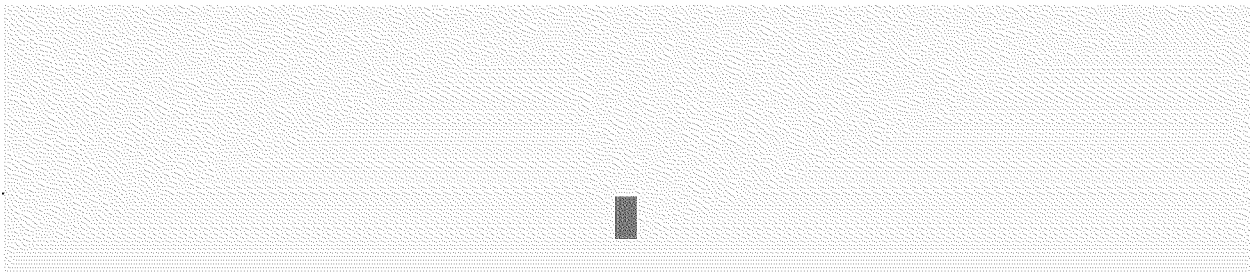
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Wed 9/20/2017 12:47:22 PM
Subject: Morning Consult Washington, Presented by the National Association of Broadcasters: Trump
Reportedly Using Campaign, RNC Funds to Pay for Legal Defense in Russia Probe



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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro
Sent: Fri 9/8/2017 2:54:57 PM
Subject: House passes disaster aid bill with debt ceiling increase, stopgap spending

By POLITICO Staff

09/08/2017 10:51 AM EDT

The House easily cleared a package today to provide more than \$15 billion in disaster aid for victims of Hurricane Harvey, raise the debt ceiling and fund the government for three months.

President Donald Trump is expected to swiftly sign the bill, H.R. 601 (115), which delivered on the fiscal deal he struck with Democrats earlier this week. The House passed the bill 316-90, a day after the Senate passed it, 80-17.

To view online:

<https://www.politicopro.com/defense/whiteboard/2017/09/house-passes-disaster-aid-bill-with-debt-ceiling-increase-stopgap-spending-092650>

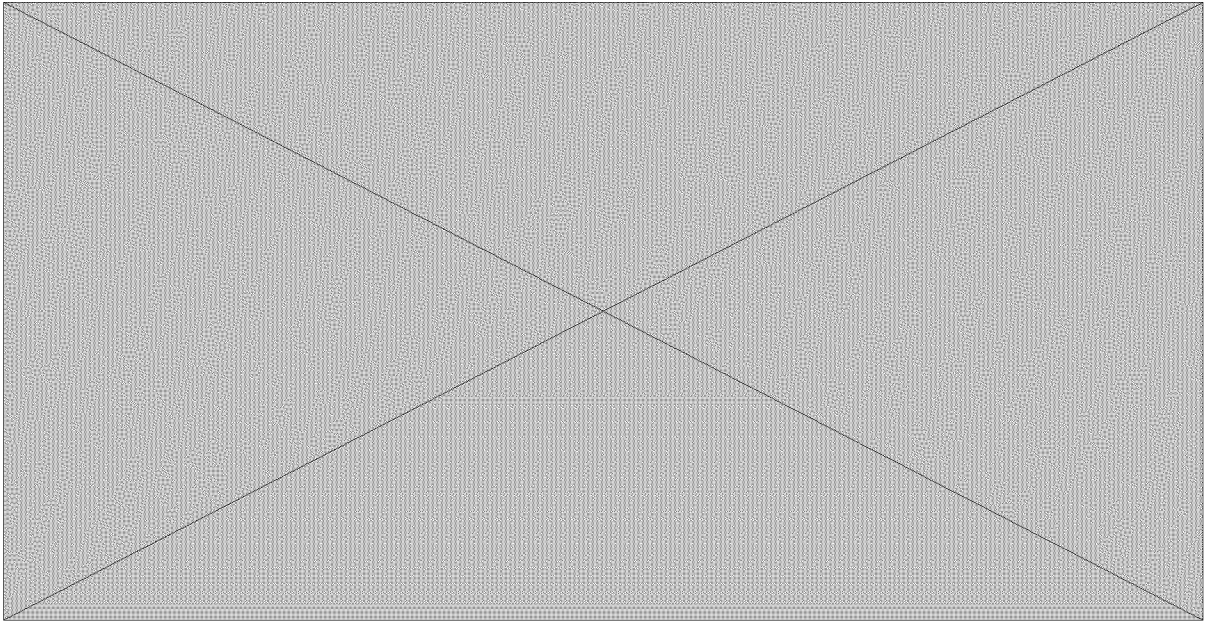
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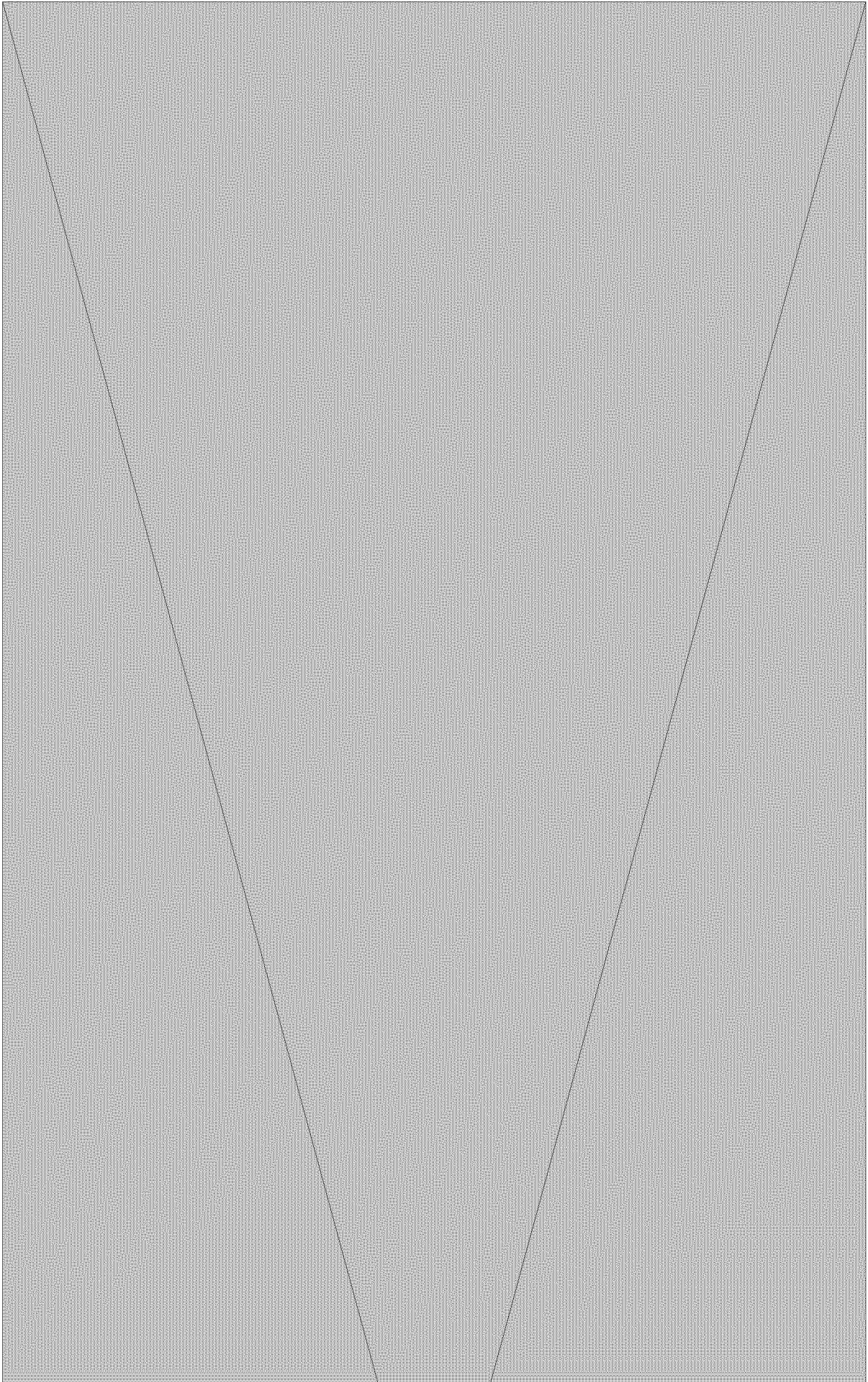
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Wed 9/20/2017 11:31:55 AM
Subject: Tune Into The Bloomberg Global Business Forum Livestream

To view this email as a web page, go [here](#).





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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Fri 9/8/2017 12:58:53 PM
Subject: REUTERS: EPA chief says ready to further relax fuel standards due to hurricanes

REUTERS

EPA Chief Pledges to Secure Toxic Sites in Irma's Storm Path

Valerie Volcovici

Reuters

September 7, 2017

<https://www.reuters.com/article/us-storm-irma-epa/epa-chief-says-ready-to-further-relax-fuel-standards-due-to-hurricanes-idUSKCN1BJ01S>

The U.S. Environmental Protection Agency is preparing for Hurricane Irma's landfall on the U.S. East Coast by securing vulnerable toxic waste sites and easing gasoline standards to ensure steady fuel supplies, its chief told Reuters on Thursday. ...

"The most we can do is help people in these areas by monitoring drinking water and respond to real and tangible issues," he said in a brief telephone interview.

Hurricane Irma is expected to make landfall in Florida as early as Friday after slamming Caribbean islands with 185 mph winds, only days after Hurricane Harvey triggered record flooding in Texas that killed scores of people.

The EPA said has issued waivers on certain federal requirements for the sale, production and blending of gasoline to avoid supply shortfalls in the aftermath of Harvey and as Hurricane Irma approaches Florida.

Pruitt said he spoke with Florida Governor Rick Scott about potentially issuing more waivers on gasoline requirements if the need arises after Irma.

"EPA will grant additional waivers if requested," he said.

He said the agency is also evaluating 80 Superfund toxic waste sites from Florida to North Carolina to identify those at risk of flooding.

[To Read The Full Story Click Here](#)

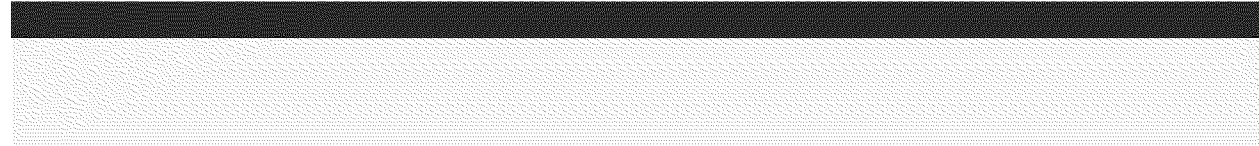
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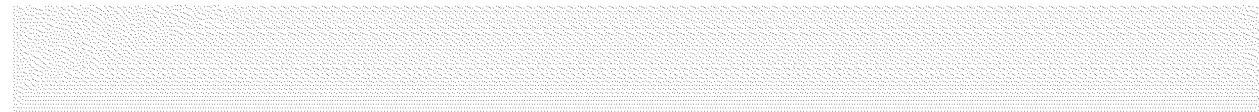
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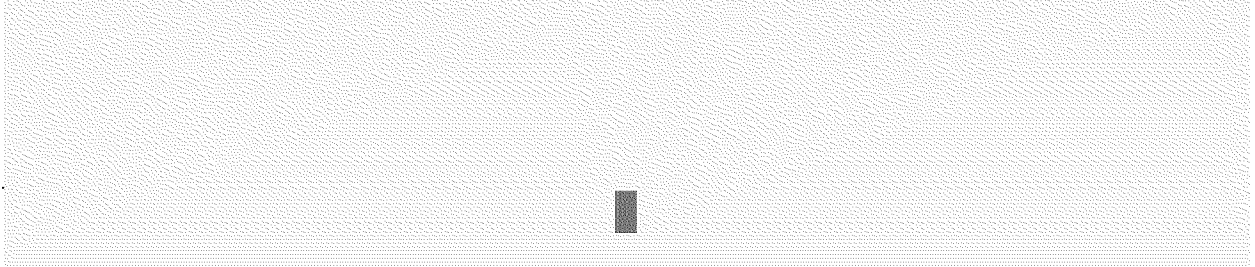
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Fri 9/15/2017 1:02:26 PM
Subject: Morning Consult Washington, Presented by the Electronic Payments Coalition: Trump Signals New Approach to Iran That Would Preserve Nuclear Deal



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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 9/19/2017 8:45:52 PM
Subject: EPW postpones hearing on EPA, NRC nominees

By Alex Guillén

09/19/2017 04:42 PM EDT

The Senate Environment and Public Works Committee has postponed Wednesday's planned hearing for EPA and Nuclear Regulatory Commission nominees because of plans for the chamber to adjourn in recognition of Rosh Hashanah.

The hearing was to consider four EPA nominees: Matthew Leopold to be general counsel, William Wehrum to run the air office, Michael Dourson to run the Office of Chemical Safety and Pollution Prevention and David Ross to run the water office. The panel would have also considered Jeff Baran's re-nomination to the NRC.

The committee did not immediately say when the hearing would be rescheduled.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/09/epw-postpones-hearing-on-epa-nrc-nominees-093176>

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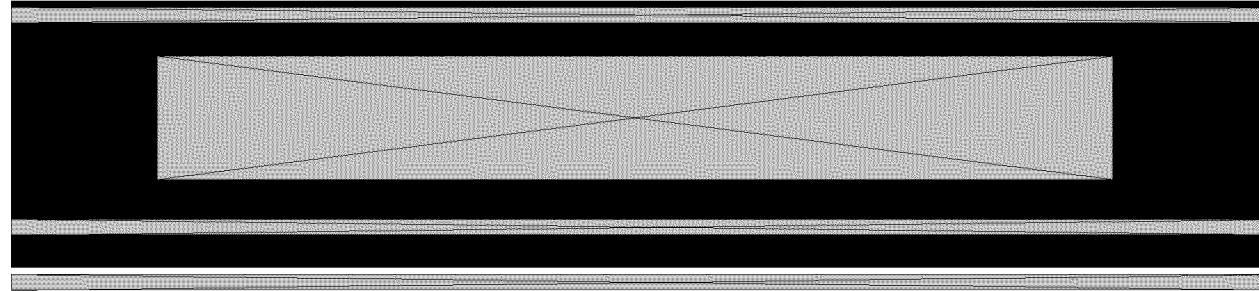
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: CommercialLawWebAdvisor
Sent: Fri 9/8/2017 12:09:17 PM
Subject: Essential Webinars for Financial Officers--Available Live, to Download or on CD!



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NEXT WEEK!

Indemnifications: Problems and Pitfalls, Advantages and Solutions

September 12, 2017 @ 1 PM (ET)

"Indemnity," quite simply, means a legal duty to make good on any loss, damage or liability incurred by someone else. Effectively, when you or your client assumes an indemnification obligation, the risk shifts from the other party directly onto you or your client's back. It's no exaggeration to state that they are the most common deal breakers in contract negotiations and the most hotly contested clauses when the contract goes south and winds up in litigation. Please join as we delve deep into the risk-management thicket of indemnities, other limitations on liability, and related considerations.

NEXT WEEK!

The Art and Science of Asking Questions

September 14, 2017 @ 1 PM (ET)

Investigators—especially litigators and trial lawyers—know the importance of asking the right question to a client, a witness, and even a judge. Lawyers are professional investigators because they are paid to investigate by asking questions of witnesses and sources. This webinar offers specific and practical methods and techniques to improve questioning skills. The methods and techniques taught in this session will help you with client and witness interviews, depositions, and questioning trial witnesses or any other situation where you must efficiently and effectively gather facts or extract admissions through questioning.

A PRACTICAL SERIES!

Accounting, Financials and Deal Making for Lawyers: Speaking the Language of Business (Three-Session Series)

Three Session Series: September 19, 2017 @ 1 PM (ET), October 3, 2017 @ 1 PM and October 17, 2017 @ 1 PM (ET)

Business leaders often become frustrated with lawyers, whether in-house or external, for not having the ability to be conversant in basic business terms or understanding the financial data on which so many business decisions are made. Attorneys often do not have a working knowledge of the numbers backing those decisions, how those figures were reached, and how to accurately interpret and discuss them. In these three sessions, you will learn accounting terms important to the lawyer; how to read and interpret a financial statement, business terms and other jargon to help you converse with the CFO and other executives in their language; and how to use these critical skills when negotiating a contract, M&A deal, or other agreement.

Speaking the Business Lingo: Introduction to Accounting for Lawyers

September 19, 2017 @ 1 PM (ET)

This webinar provides the meaning for common terms found in the business environment such as GAAP, balance sheet, assets, and liabilities, and will also provide some resources and suggestions for understanding the client's needs when faced with discussions on these issues. The session will leave the participants with a working understanding of the importance of accounting knowledge and enhance their ability to have a business discussion.

AN ESSENTIAL SERIES!

Keys to Successful Contract Drafting: Four-Session Series on Crafting an Agreement That Protects Your Interests Now and When Something Goes Wrong

Four Session Series: September 26, 2017 @ 1 PM (ET), October 10, 2017 @ 1 PM, October 17, 2017 @ 1 PM (ET), and October 31, 2017 @ 1 PM (ET)

Most business relationships are memorialized by a written contract. Extreme care must be exercised to ensure that what appears on the printed page accurately reflects the wishes of the parties and provides sufficient safeguards for your client should an issue arise. This four-part series covers the common characteristics of many contracts and issues to consider when drafting your agreement to help you ensure that what appears in the written document reflects your client's needs should something go wrong.

The Foundation of Contract Drafting: The Devil Is in the Details

September 26, 2017 @ 1 PM (ET)

Experienced attorneys know that a well-drafted contract can serve to define the parties' relationship in an agreement in order to avoid conflicts down the road and as the vehicle for conflict resolution when things go south. Ambiguities, omissions and inconsistencies can doom the relationship and complicate any subsequent conflicts. Please join us as we discuss the core principles that should appear in any well-drafted contract to help ensure that the parties' relationship on paper is well-defined and includes the proper safeguards to protect your client's interests.

Tattoos, Piercings, Uniforms, and Other Dress Code Issues: Drafting and Enforcing Your Policy

September 28, 2017 @ 1 PM (ET)

A dress code policy is important for any employer, but what is permissible to include in such a policy and what is not? What are absolute must-haves in the policy? How do you avoid legal issues when addressing topics such as religious dress? Can an employer do anything about an employee's tattoos or piercings? What are your options if an employee fails to comply with the policy? Employers can make major mistakes when drafting and enforcing these policies that can end up leading to huge liability for your organization, so it is essential that you craft and follow a sound policy that meets organizational needs and minimizes legal risk. Please join us as we discuss these issues to help ensure that your dress code policy will have all the essentials it requires for legal compliance.

OCTOBER WEBINARS NOW AVAILABLE!

Understanding Financial Statements for Lawyers

October 3, 2017 @ 1 PM (ET)

This webinar provides a helpful and detailed look at what lawyers need to know about financial statements--an understanding that will permit the lawyer to ask better questions and spot issues. Participants will also understand how the balance sheet, statement of cash flows and income statement interact.

Cyber Liability Insurance in the Digital Age: Do You Have It?

October 4, 2017 @ 1 PM (ET)

Companies place incredible value on the data that they amass, buy, and sell. and it seems every day there is news of data breaches and the loss of valuable data to theft, hackers, and cyber terrorism. Unfortunately, a large percentage of companies neither have the resources nor knowledge to manage this growing exposure. In addition to sound risk management, an insurance program is vital to pay for a financial loss. This webinar provides a detailed discussion of cyber security, the rising cost of data breaches, and the insurance products that are available to address these exposures. We also examine the benefits of cyber liability insurance, including its underwriting process and services offered to policyholders.

Leave Law Quandary: When to Apply the ADA, FMLA and Workers' Compensation

October 5, 2017 @ 1 PM (ET)

Nothing can trip HR professionals up as much as the Bermuda triangle of leave laws, which include the Americans with Disabilities Act, the Family Medical Leave Act, and Worker's Compensation. Not only are these laws complicated and legalistic, but also they are difficult to apply correctly. What is a "Serious Health Condition" under the FMLA? Who is a "qualified individual with a disability"? When is a worker entitled to worker's compensation and how does it work when an employee is out on FMLA? What is a reasonable accommodation under the ADA? How does light duty fit into all of this? Please join us as we provide the answers to these and many more questions to help you steer clear of the problems that this Bermuda triangle of leave laws can create.

Understanding the Financials in the Deal Making and Negotiations Process: Accounting, Ethics and the Lawyer

October 17, 2017 @ 1 PM (ET)

Having a good understanding of your organization's financial position and a working accounting knowledge will benefit you in the negotiation process for M&A and all other contracts. Whether companies are looking to merge, acquire a new entity, enter a business relationship, or invest, the financial data is critical to assess the relative health and prospects of the parties involved. Please join us for a webinar that reviews transaction language examples and walks you through some ethical situations that have arisen over time in the deal making process.

How to Conduct an HR Audit: Ensuring Full Compliance with Employment Laws and Regulations

October 24, 2017 @ 1 PM (ET)

Your company's ability to effectively comply with federal and state employment laws and regulations depends on a number of factors including: employee training; current, clear and comprehensive employment policies and procedures; and your decision makers' understanding of (and ability to navigate within) the applicable legal and regulatory landscape. One of the best ways to ensure ongoing HR compliance is to periodically conduct an HR

audit. Learn how to conduct an HR Audit that will not only leave you with a better understanding of the applicable laws and regulations, but also with a practical plan for ensuring the various federal and state legal requirements are addressed in your HR policies, forms and other documentation, and by management on a day-to-day basis.

A CRITICAL SERIES!

Nuts and Bolts for the In-House Counsel: Six-Session Series on the Key Subjects Your Client Needs Your Expert Advice

Six Session: October 24, 2017 @ 1 PM (ET), October 31, 2017 @ 1 PM (ET), November 8, 2017 @ 1 PM (ET), November 29, 2017 @ 1 PM (ET), December 6, 2017 @ 1 PM (ET) & December 13, 2017 @ 1 PM (ET)

This series will explore six major areas that in-house counsel should consider to have a better understanding of the wide range of needs and critical concerns of their corporate clients: 1) inventory and assessment of governing documents; 2) key employment and labor issues; 3) vendor management and contract negotiations; 4) raising capital and other funding; 5) protecting and defending intellectual property; and, 6) corporate governance and working with the board of directors. By understanding these areas, lawyers joining or currently working in legal departments of any size will be better prepared to counsel their corporate clients on these critical areas of focus.

Governing Documents for Your Organization: Charting the Corporate Roadmap

October 24, 2017 @ 1 PM (ET)

An entity's governing documents are the legal foundation for how it is organized and operates. Accuracy is key, both to comply with the law and ensure effective operations. A sound set of governing documents can help minimize disagreements between stakeholders, provide guidance to the organization, and specifically outline legal and organizational requirements that must be followed. This webinar reviews the different types of corporate governing documents and other information to help you better understand your client and help ensure it operates in a manner consistent with its legal and organizational mandates.

Telecommuting Employee Regulatory Requirements: Step-by-Step Employer Review

October 25, 2017 @ 1 PM (ET)

It's estimated that nearly two-thirds of employers offer some form of work-at-home employment arrangement for their employees. Yahoo, however, appears to be bucking the trend with its recent announcement that it will no longer encourage telecommuting for its workforce. Regardless of your employer's position, many employers fail to pay enough attention to the regulatory requirements and the related risks and potential liabilities that go along with at-home employee work arrangements. Please join us for step-by-step guidance on how to avoid the legal pitfalls associated with your telecommuting workforce.

See a full list of upcoming webinars.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Fri 9/8/2017 12:03:14 PM
Subject: BLOOMBERG: EPA Chief Pledges to Secure Toxic Sites in Irma's Storm Path

BLOOMBERG

EPA Chief Pledges to Secure Toxic Sites in Irma's Storm Path

Jennifer Dlouhy
September 7, 2017

<https://www.bloomberg.com/news/articles/2017-09-07/epa-chief-pledges-to-secure-toxic-sites-in-irma-s-storm-path>

The Trump administration is applying lessons from Hurricane Harvey's drenching of southeast Texas as it secures toxic waste sites in the path of Hurricane Irma, U.S. environmental chief Scott Pruitt said.

The Environmental Protection Agency's main goal is to make sure there are "enough people on the ground" to quickly assess the integrity of at-risk chemical sites and respond to needs as the monster storm moves through, Pruitt said. Technical staff are already working to secure about 80 Superfund sites in Irma's path from Miami to North Carolina, including a former pesticide plant, military base and machine shop.

"Operationally, we've tried to make sure we apply the same type of approach we used in Texas," Pruitt, EPA's administrator, said in an interview Thursday. "Because of the area and the amount of population that's affected in Florida, we're trying to be even more aggressive." ...

Nearly 200 EPA personnel were deployed in Texas. The agency already has about 77 people working on Irma related efforts and another seven are on the way.

Back-to-back hurricanes hitting the U.S. threaten to strain the federal government's resources, prompting the Senate to pass a \$15.25 billion relief bill Thursday, and renewing a debate about the size and scope of federal agencies. The Trump administration has proposed cutting nearly a third of the EPA's budget for the fiscal year that begins Oct. 1 and culling roughly 3,200 employees from the agency's 15,000-member workforce, a process that has already begun as hundreds of workers accept buyouts.

Pruitt stressed the EPA has not been hit by budget reductions yet, as Congress weighs how much to spend on the agency.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy
Sent: Fri 9/15/2017 9:43:04 AM
Subject: Morning Energy: Unfilled vacancies still worry GOP senators — Trump, Scott still doubt climate change post-hurricanes — EPA to reconsider coal ash regulation

By Anthony Adragna | 09/15/2017 05:41 AM EDT

With help from Alex Guillén

GOP STILL ANXIOUS OVER AGENCY VACANCIES: President Donald Trump's administration has been more active in recent weeks in formally nominating people to host of vacant energy and environmental posts throughout the federal government, but members of his party still aren't satisfied with the pace. In conversations with 10 GOP senators, most said there were still numerous vacancies hampering the president's ability to implement his agenda. Here's what a couple of them had to say:

— **John Barrasso, EPW chairman:** "The pace has picked up, and I'm encouraged by that. I still am looking forward to getting the nominations for the Bureau of Land Management, Fish & Wildlife [and] of course the National Park Service. So there are still some critical ones out there that need to come forward."

— **Shelly Moore Capito, another EPW member:** "I still think we have too many vacancies."

— **Jerry Moran, also on EPW,** said there are too many instances where senators can't find the right person at an agency because they haven't been nominated. "I'm pleased to see any movement, which we're seeing from the White House, in the nominations and I hope we can — without objections from Democrats — take up those nominations as they arrive."

— **Lisa Murkowski, Energy chairwoman,** cautioned that while the pace of names had increased recently, "we've got to get them through the whole process."

Carper raises concerns: EPW ranking member Tom Carper said in a statement EPA Administrator Scott Pruitt "must follow through with the answers he assured us he would provide during his own confirmation hearing before we move forward with additional nominees" after meeting with four nominees slated to have confirmation hearings next week. But Barrasso told ME "we're going to continue" to process nominations regardless of those concerns.

HAPPY MIDWAY POINT OF SEPTEMBER! I'm your host Anthony Adragna, and Meguire Whitney's Elizabeth K. Whitney was first to identify James K. Polk as our only speaker to ever become president. For today: What's the only current state where both senators share the same first name? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

TRUMP SHRUGS OFF CLIMATE LINK TO HURRICANES: After visiting Florida on Thursday, Trump told reporters aboard Air Force One he saw no link between climate change and Hurricanes Harvey and Irma, which devastated much of the southern U.S., Pro's Emily

Holden reports. "We did have two horrific storms, epic storms," he said. "But if you go back into the '30s and '40s, and you go back into the Teens, you'll see storms that were very similar and even bigger, OK?"

Scott too: Even after twice touring the storm-ravaged Florida Keys this week, Florida Gov. Rick Scott still won't say if he believes man-made climate change is real, POLITICO Florida's Marc Caputo reports. "Clearly our environment changes all the time, and whether that's cycles we're going through or whether that's man-made, I wouldn't be able to tell you which one it is," the governor (and Trump's preferred Florida Senate candidate) said.

Two Superfund sites need work: EPA officials have now examined 30 of the 90 affected Superfund sites in Florida and concluded two of them in Jacksonville — Fairfax Wood Treating and U.S. Naval Air Station Cecil Field — require follow up work due to flooding in the area.

ANOTHER EPA RULE RECONSIDERED: Pruitt has granted separate petitions of AES Puerto Rico and the Utility Solid Waste Activities Group to reconsider aspects of the agency's 2015 coal ash regulation, Pro's Alex Guillén reports. USWAG asked that pending deadlines be pushed back and called for the rule to be changed in the wake of a December 2016 law changing the enforcement scheme, while AES' petition centered on how utilities could store the residue from coal-fired power generation on site. "In light of EPA's new statutory authority, it is important that we give the existing rule a hard look and consider improvements that may help states tailor their permit programs to the needs of their states, in a way that provides greater regulatory certainty, while also ensuring that human health and the environment remain protected," Pruitt said in a statement, referring to provisions in last year's water infrastructure law.

Environmentalists bashed the decision to reopen the rule, which took almost six years to develop, as endangering human health and the environment. "This decision is a galling giveaway to industrial polluters, even by this Administration's standards of pandering to industry at the expense of the public," Earthjustice attorney Lisa Evans said in a statement. They vowed to fight moves to undermine the regulation, though Pruitt's EPA is likely to ask a federal appeals court case with oral arguments currently scheduled for Oct. 17 be put on hold while it reconsiders the rule.

MINING INDUSTRY HEADED TO TRUMP HOTEL: The National Mining Association confirmed to ME a report in The Intercept that it will host its private conference next month at the Trump International Hotel in Washington. "We evaluated information from five different venues and this was the only venue able to accommodate a group of our size and our meeting requirements on our desired dates," a spokeswoman said. Interior Secretary Ryan Zinke is slated to address the group at the hotel.

SCIENCE PANEL WANTS FACE-TO-FACE WITH PRUITT: EPA's Science Advisory Board, the influential group of scientists who weigh in on key science issues, have invited Administrator Scott Pruitt to a meeting "to share your vision of the SAB's ongoing role in providing scientific advice and to hear about your priorities for the Environmental Protection Agency," according to a letter sent this week. The meeting will "allow for a dialog on how best

the SAB can work to ensure the highest quality science supports Agency's policies and decisions," wrote SAB Chair Peter Thorne. It's not unusual for administrators to appear before the SAB on occasion; Gina McCarthy, for example, spoke to SAB in April 2016.

Elephant in the room: EPA is currently taking public comment on 132 nominees for SAB. It has 48 slots, with 15 opening up at the end of the month. The current SAB is dominated by academics, but also has members from state agencies, private companies and environmental groups. Comments are due Sept. 28.

GOTTA START SOMEWHERE: The White House Council on Environmental Quality took the first step Thursday toward implementing Trump's August executive order aimed at speeding the environmental reviews of infrastructure projects with the release of a work plan, Pro's Emily Holden reports. Among the steps to come: Work with other groups to create a framework for the "One Federal Decision" process, coordination to identify high-priority projects and the issuance of guidance to speed the NEPA process.

LET'S GET TOGETHER? Murkowski told reporters Trump had invited her over for lunch last Friday, but she had to bow out due to a commitment in Alaska. She viewed the invite, though, as a sign that their relationship could be productive in the aftermath of her vote against health care legislation. (She wasn't sure if it was a solo invite.) "I don't think there's a sourness," she said. "If there were, I don't think he would continue to be engaging."

PERDUE STICKING WITH CLOVIS: Agriculture Secretary Sonny Perdue voiced his enthusiastic support for Sam Clovis' nomination to be USDA's top scientist hours after Senate Agriculture Chairman Pat Roberts suggested he would leave the fate of the controversial pick to the administration, Pro Agriculture's Helena Bottemiller Evich reports. "President Trump made a good choice in nominating Dr. Sam Clovis and he has my full support," Perdue said. Clovis has raised eyebrows for his climate skepticism and lack of scientific background, among other issues.

NEW YORK OPPOSES SOLAR TRADE PETITION: With just a week to go until the International Trade Commission votes on whether to slap imported solar products with steep tariffs, New York state added its voice to those opposing the petitions of Suniva and SolarWorld Americas Inc. "If the relief requested by the Petitioners were to be ultimately granted, New York State's residential, small commercial, and industrial-scale PV projects would all substantially contract or disappear," Richard Kauffman, the state's energy czar, wrote. "Rather than grow to 12,000 jobs by 2021, the industry would be able to support just half the number of jobs it supports today."

UTAH GOVERNOR: ZINKE INDICATED MONUMENT DOWNSIZING: Utah Gov. Gary Herbert told local reporters Thursday that Zinke had indicated to him that Grand Staircase-Escalante National Monument was an "abuse of the Antiquities Act" and said he thought it should be carved up "into smaller monuments — two or three." In addition, Herbert said the "indication" on Bears Ears National Monument is it will be shrunk down. The Trump administration has not said when it plans to release Zinke's recommendations publicly, though rumblings are it could come as soon as today.

ICYMI: Democrats and taxpayer advocates are concerned industry has an outsized role on the 20-member advisory committee named by Zinke to review royalty rates that oil, natural gas and coal companies pay for access to federal land and water, Pro's Ben Lefebvre [reports](#). The group includes five energy company representatives and six others members who hail from energy-friendly, GOP-led local governments, but critics say it lacks adequate public interest group or Democratic representation.

EPA TOP LAWYER NOMINEE REPRESENTED BASF, FORD, UTILITY: Matt Leopold, President Donald Trump's nominee for EPA general counsel, has represented several regulated companies in recent years, including a leading chemical manufacturer, automaker and utility, according to a [financial disclosure posted](#) by the National Law Journal. Leopold has been an attorney at the Tallahassee-based Carlton Fields since 2015, and his client roster, according to the disclosure, included chemical giant BASF, automaker Ford Motor Company and utility Florida Power & Light. Leopold also listed analysis firm Resource Environmental Solutions; Comanco Environmental Corporation, which builds containment systems; and sand miner Edgar Minerals. He was previously general counsel for the Florida Department of Environmental Protection. Leopold and other EPA nominees will get a hearing Wednesday.

WOTUS-LINKED JUDGE ADVANCES: North Dakota District Judge Ralph Erickson, who gained national attention (at least among energy watchers) when he placed the Obama administration's waters of the U.S. regulation on ice back in 2015, saw his nomination to 8th U.S. Circuit Court of Appeals advance through the Senate Judiciary Committee on Thursday. The vote was 20-0. Democrat [Heidi Heitkamp](#) praised the action as "[great news](#)" following the hearing.

REPORT: RAPID ACTION NEEDED TO ADDRESS CLIMATE CHANGE: Limiting global temperature increases to less than 2 degrees Celsius cannot be done by reducing carbon dioxide emissions alone and additional action must be taken by 2020, according to a [report and peer-reviewed paper](#) out late Thursday from 33 climate policy experts. Policymakers must also drastically reduce short-lived super climate pollutants, such as HFCs and methane, by 2020 and undertake atmospheric carbon extraction. "Scientists have many ideas about how to reduce emissions, but they all agree on the urgency of strong and decisive action to remove carbon from the economy," California Gov. Jerry Brown said in a statement about the study.

MAIL CALL! WHAT'S THE DEAL WITH THOSE EPA CUTS? Six EPW Democrats, led by Carper, asked EPA in a Thursday [letter](#) to provide additional information on its intended workforce reductions. They expressed concern that implementing the Trump's administration already proposed cuts and "further White House direction to plan for additional longer term down-sizing would damage EPA's ability to carry out its Congressionally-mandated mission to protect public health and the environment."

DEMOCRATS FIGHT WOTUS REPEAL: Twenty-one members of the Senate Democratic caucus, led by [Ben Cardin](#) and Carper, urged Pruitt and the Army Corps of Engineers in a [letter](#) released Thursday to reconsider plans to scrap the Obama administration's Waters of the U.S. regulation. "For an administration to change the definition of what constitutes a water of the

United States almost immediately upon entering office creates more, not less, regulatory uncertainty," they wrote. "We need stability and certainty for our constituents to be safe and our economy to grow."

LAWSUIT CHALLENGES EFFICIENCY ROLLBACK: Democracy Forward, representing the Natural Resources Defense Council, filed [a lawsuit](#) Thursday challenging the Trump administration's decision to stay two provisions of a January air conditioning efficiency rule. The lawsuit argues the rule had already gone into effect when DOE issued the stay and that the agency failed to adequately explain its decision.

GROUP SLAMS TRUMP'S CHEMICALS NOMINEE: The Environmental Working Group released a report today arguing Michael Dourson, Trump's nominee to run EPA's chemicals division, has "consistently fought to weaken proposals to protect our families from dangerous chemicals, including chemicals linked to cancer, brain damage and reproductive harm." Read it [here](#).

MORE SUPPORT FOR NORTHAM IN VIRGINIA: A broad array of liberal groups, including the Tom Steyer-backed Next Gen America and the Virginia League of Conservation Voters PAC, are joining forces in a \$2 million campaign to boost Democratic Lt. Gov. Ralph Northam for governor, Pro Campaign's Kevin Robillard [reports](#). The digital ads, which begin running this week through the election, aim to reach and turn out more than 1.2 million voters.

GREENS, SPORTSMEN TEAM UP: The Congressional Sportsmen's Foundation and the National Wildlife Federation have signed a memorandum of understanding in hopes of advancing wildlife conservation and access to public lands.

MOVER, SHAKER: Tracy Stone-Manning is the new associate vice president for public lands at the National Wildlife Federation. She was previously Montana Gov. Steve Bullock's chief-of-staff and before that his director of the Department of Environmental Quality.

Doug Little, an Arizona Corporation Commissioner, has accepted the position of deputy assistant secretary for intergovernmental and external affairs at DOE. "I have enjoyed serving Arizona and look forward to this tremendous opportunity to influence energy policy at the national level," he said in a statement. First elected in 2014 (more on that [here](#)), Little served as chairman of the commission last year and also joined the board of directors for the National Association of Regulatory Utility Commissioners. He starts Oct. 2.

QUICK HITS

— EPA won't release benzene levels collected post-Harvey; private tests show elevated levels. [Texas Tribune](#).

— Mexico court temporarily blocks higher ethanol in gasoline -activist. [Reuters](#).

— EPA Will Let Houston Lab's Lease Expire In 2020, Agency Says. [TPM](#).

- How to make \$240,000 in 6 months by being friends with Rick Perry. [Think Progress](#).
- Pennsylvania coal production up by 20 percent from 2016. [Tribune-Review](#).
- North Korea conflict could cripple these oil and chemical facilities. [CNBC](#).
- Floating Tar, Dead Fish: Oil Spill Threatens Greek Beaches. [New York Times](#).

HAPPENING TODAY

12:00 p.m. — "[Battery Storage and the Power Sector](#)," National Capital Area Chapter of the United States Association for Energy Economics, Carmine's, 425 7th St NW

THAT'S ALL FOR ME!

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/09/unfilled-vacancies-still-worry-gop-senators-024607>

Stories from POLITICO Pro

Trump on climate change: 'We've had bigger storms' [Back](#)

By Emily Holden | 09/14/2017 04:36 PM EDT

President Donald Trump on Thursday discounted any link between climate change and the intense hurricanes that ravaged Florida and the Gulf Coast while talking to reporters aboard Air Force One on his return from storm-stricken Fort Myers and Naples

"We've had bigger storms than this," Trump said when asked if the highly destructive Hurricane Harvey and record-breaking Hurricane Irma were changing his views of climate change.

Trump said storms from the 1910s, 1930s and 1940s were worse.

Members of Trump's cabinet have [repeatedly said](#) that now is not the time to talk about climate change, which is predicted to make hurricanes more intense, increase rainfall totals and put coastal communities at higher risk to storm surges as sea levels rise.

To view online [click here](#).

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Trump pushes Rick Scott to run for Senate during Irma recovery visit [Back](#)

By Nolan D. McCaskill | 09/14/2017 11:39 AM EDT

President Donald Trump traveled to southwest Florida with a message for the people of Fort Myers, who are recovering from Hurricane Irma: Rick Scott for Senate.

Trump, first lady Melania Trump and Vice President Mike Pence flew to Florida on Thursday morning to visit Fort Myers and Naples, two Gulf Coast cities that Irma tore through earlier this week.

Trump acknowledged the devastation in brief remarks he delivered in Fort Myers ahead of a briefing from state and local officials.

"We're gonna see some more of it now, unfortunately," he lamented.

"I have to say that your governor — where is our governor here? Rick Scott," Trump said, pausing for applause of the Republican governor. "The job he's done is incredible, and I guess I've been very lucky because, you know, you have a great governor in Texas; you have a great governor in Florida. The job that Rick has done is being talked about all over."

Trump offered more praise of Scott, who he has continued to nudge to challenge incumbent Democratic Sen. Bill Nelson in 2018, taking advantage of Thursday's backdrop of a recovering city.

"I just, again, I have to say that — what do I know? But I hope this man right here, Rick Scott, runs for the Senate," Trump said.

Scott has publicly said he is weighing a Senate run, but he has insisted that he feels little pressure to make an early decision. And Trump is unsure whether the governor ultimately will run.

"I don't know what he's gonna do, but I know that at a certain point it ends for you, and we can't let it end," Trump said. "So I hope he runs for Senate. Who knows what he's gonna do?"

Thursday marks the second time the president has publicly asked Scott to run. In June, during an announcement about Cuba regulations in Miami, Trump urged the governor to challenge Nelson.

The president helicoptered to Naples later Thursday, flying low enough to see some of the flood damage throughout the region. Irma dropped more than a foot of rain in parts of South Florida over the weekend, and Naples was hit with the storm's strongest winds — which registered at up to 142 miles per hour, according to the National Weather Service.

He spoke to homeowners and handed out handshakes and hoagies to community members.

"They're too small," the president remarked as he yanked off his thin plastic gloves and resumed shaking hands.

He asked a buff man if he was "a workout guy" and encouraged him to "keep it up." And he questioned whether one woman who was holding a small dog was a biker, noting that "the bikers

love us."

The president also shook the hand of a man who asked where former President Barack Obama was the last time the area was hit with a hurricane. "On the golf course!" the man answered.

Trump asked if the man had voted for him. "Best vote of your life?" he wondered. He then turned to the press. "Don't report that," he said, smiling. "That's good news."

The president ended his trip the same way it began: with a tweet.

"Just left Florida for D.C.," Trump announced. "The people and spirit in THAT GREAT STATE is unbelievable. Damage horrific but will be better than ever!"

Marc Caputo and Kevin Robillard contributed to this report.

To view online [click here](#).

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Pruitt to reconsider parts of 2015 coal ash rule [Back](#)

By Alex Guillén | 09/14/2017 04:15 PM EDT

EPA will reconsider key portions of the 2015 coal ash rule, according to a [letter](#) from Administrator Scott Pruitt to industry officials released by Earthjustice.

Two petitions were filed in May by AES Puerto Rico and the Utility Solid Waste Activities Group, an umbrella group whose members include the Edison Electric Institute, National Rural Electric Cooperative Association, American Public Power Association and more than a hundred utilities and related companies.

Pruitt's letter does not specify which parts of the rule he plans to reconsider, but both USWAG and AES identified specific issues with the regulation.

[USWAG's petition](#) asked that pending deadlines be pushed back and called for the rule to be changed in the wake of a December 2016 law changing the enforcement scheme in order to accommodate new management options based on site-specific risk analyses rather than the original "burdensome, inflexible, and often impracticable requirements." USWAG also argued that various executive orders from President Donald Trump dealing with regulations justify cracking the rule open.

[AES' petition](#) focused on requirements for how power plants store their coal ash piles before they are moved off site to be disposed of or to make products such as concrete and wallboard.

Oral arguments at the D.C. Circuit Court of Appeals over the rule are currently scheduled for

Oct. 17, but EPA is likely to ask the case be put on hold while it reconsiders the rule.

WHAT'S NEXT: Pruitt will initiate a formal reconsideration process. Any actual changes to the rule will have to go through public comment and will be open to legal challenge.

To view online [click here](#).

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White House outlines plan for expediting environmental reviews [Back](#)

By Emily Holden | 09/14/2017 06:12 PM EDT

The White House took its [first step](#) toward speeding environmental reviews for infrastructure projects today, with the Council on Environmental Quality releasing a work plan in response to President Donald Trump's August executive order.

CEQ in a [fact sheet](#) called the current review and permitting process "fragmented, inefficient and predictable," saying "projects often involve numerous federal agencies, overlapping statutory requirements, and duplicative or redundant processes."

The Trump administration has attacked reviews under the National Environmental Policy Act for holding up projects. In a June speech at the Department of Transportation, Trump threw binders full of highway environmental reviews on the floor, calling them "nonsense."

CEQ said the median timeline for issuing environmental impact statements is four years, but some take more than 10 years. Trump's order directs agencies to try to complete reviews within two years, issue a single decision that represents all agencies and provide permits within 90 days.

CEQ said it will:

- work with the Office of Management and Budget and Federal Permitting Improvement Steering Council to create a framework for the "One Federal Decision" process laid out in Trump's order.
- coordinate with the Council, DOT and the Army Corps of Engineers to identify high-priority projects.
- review its own regulations on implementing NEPA.
- issue guidance to speed the NEPA process.
- form an interagency working group to review regulations that may bog down reviews and permitting.

To view online [click here](#).

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Roberts looks to Perdue, Trump to make call on Clovis' nomination [Back](#)

By Catherine Boudreau | 09/14/2017 01:27 PM EDT

Senate Agriculture Chairman [Pat Roberts](#) said today he is leaving the fate of controversial USDA nominee Sam Clovis up to Agriculture Secretary Sonny Perdue and President Donald Trump.

Roberts told reporters today the committee will move forward "expeditiously" with Clovis' nomination to be USDA's chief scientist if "that is the desire of the secretary and the president."

Roberts said the committee hasn't received all of Clovis' paperwork, which is why a confirmation hearing has not been scheduled.

The committee has a "few outstanding asks" for publications and other materials, spokeswoman Meghan Cline told POLITICO in an email.

Clovis, the nominee for USDA undersecretary for research, education and economics, has come under fire from Democrats and environmental groups over what his opponents say is a lack of scientific experience that is required for the job, as well as his skepticism on climate change and a series of controversial past statements — which include [racially charged comments](#) about progressives and former President Barack Obama, and about federal protections for the [LGBT community](#).

To view online [click here](#).

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Perdue: Clovis has 'my full support' [Back](#)

By Helena Bottemiller Evich | 09/14/2017 05:39 PM EDT

Agriculture Secretary Sonny Perdue said today that his support for USDA nominee Sam Clovis hasn't wavered.

"President Trump made a good choice in nominating Dr. Sam Clovis and he has my full support," Perdue said through a spokesperson. "I look forward to his hearing, so the committee has the opportunity to get to know him personally."

The comment comes hours after Senate Agriculture Chairman [Pat Roberts](#) suggested he is

leaving the fate of the controversial nominee for USDA undersecretary for research, education and economics up to Perdue and President Donald Trump. Roberts told reporters today that the committee will move forward "expeditiously" with Clovis' nomination to be USDA's chief scientist if "that is the desire of the secretary and the president."

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Taxpayer advocate, Democrats see industry tilt on Zinke's royalties panel [Back](#)

By Ben Lefebvre | 09/14/2017 03:33 PM EDT

Interior Secretary Ryan Zinke has pledged to increase energy revenue from federal lands, but congressional Democrats and public watchdogs are worried the agency is putting key policy decisions about royalties in the hands of the industry.

Interior officials have said increasing drilling on federal lands would help fulfill President Donald Trump's promise to "usher in a golden age of energy dominance" — and help restore the agency's coffers back to levels seen a decade ago, when they were bolstered by oil prices that flirted with \$150 a barrel.

Now, with oil prices under \$50 a barrel, the portion of Interior's budget from those revenues has dropped to \$6.2 billion, one-quarter of where it was in during the heady market of 2008.

"I will be looking at revenue," Zinke told senators during a June budget hearing, pointing to the federal income from natural gas, oil and wind. "If you're going to operate on public land, then the public should have a say, because we are all stewards of our public lands. We want to make sure we have a fair return. That return should be transparent."

But public interest groups and Democrats say the 20-member advisory committee Zinke named to review royalty rates that oil, natural gas and coal companies pay for access to federal land and water is stocked with industry-linked members.

The committee includes five energy company representatives and six others members who hail from energy-friendly, GOP-led local governments. Critics say it lacks representatives from public interest groups or Democrats who might question whether the public is getting a fair deal from new drilling.

"We should be exploring better royalty structures," Sen. Tom Udall (D-N.M), whose state is the fifth largest oil producer in the country, said in an email. "But I'm skeptical that the royalty policy committee established by Secretary Zinke is structured to ask the most probing and balanced questions to benefit citizens." Udall plans to reintroduce his legislation, S. 2254 (108), next week that would institute royalties on gold, silver and other precious minerals currently excluded from generating royalties.

Ryan Alexander, president of public watchdog group Taxpayers for Common Sense, lauded Zinke's move to restart that commission as an opportunity to make sure taxpayers get a fair return for energy developed on public lands, but its make-up didn't give her confidence that would happen.

"There's a lot of people who know a lot of stuff on that committee," said Alexander, whose nomination to the committee was rejected by Interior. "But there isn't anyone who focuses on taxpayer interest. It is a definitely a concern that this is weighted toward the industry. We're going to be watching carefully."

Republicans have backed Zinke's exclusion of environmental and public interest groups.

"Many of these public interest groups have been driving this debate in court and so forth at the demise of our natural resource industry, and our economies and jobs in places like Montana," Sen. [Steve Daines](#) (R-Mont.) told POLITICO. "So it's time to change it up."

Interior's royalty rates dictate the percentage of the proceeds from oil, gas or other energy produced from federal lands or waters that companies must share with the government. The new committee will "provide advice to the Secretary ... on the fair market value of and on the collection of revenues derived from, the development of energy and mineral resources on Federal and Indian lands," according to the [charter](#) Zinke approved in March.

Oil production on federal lands reached an all-time high of 580 million barrels in 2016 from the surge in offshore production, according to data from the Office of Natural Resources Revenue, an overall increase of 33 percent from 2008.

Even as oil production surged, oil revenues flowing to Interior dropped to \$2.8 billion, however, the lowest point since 2005, largely because of weak market prices. U.S. oil averaged \$43.29 per barrel last year, less than half the price in 2014.

Natural gas volumes have fallen by a third since 2008, with most of the drop because of offshore drillers' shift to more profitable oil production. And coal production on federal land fell by a third between 2008 and 2016, following electric utilities' switching to cheaper natural gas.

Interior's decisions on royalties have a major impact on state budgets. In 2016, Wyoming received \$684 million from federal leases, nearly one-quarter of the state's \$3 billion budget that year, while New Mexico got \$386 million, about 6 percent of the state's total budget.

Interior lowered the minimum royalty payments for oil and gas produced from shallow-water areas of the Gulf of Mexico that it [offered](#) in a lease in August. But that cut failed to attract companies to the area, which is largely tapped out of oil and gas from years of development, and only 10 percent of the tracts up for auction were leased.

Interior has also rolled back an Obama-era rule on assessing the value of coal from federal lands that required mining companies to use the price they sold the coal at on the open market — not

to affiliate companies they may have sold it to at a steep discount. Zinke's move did away with a rule that the department estimated would increase Interior's coal royalty revenues by up to \$85 million a year, but that coal companies complained was too burdensome.

Zinke's appointments to the committee include employees of ConocoPhillips, Anadarko Petroleum and the National Ocean industries Association, a trade group representing offshore drilling companies.

He also included Matthew Adams, vice president of taxation at Cloud Peak Energy, a Wyoming-based coal company that donated \$10,000 to Zinke's PAC in 2016. Cloud Peak paid the department \$80 million in royalties last year, according to government data.

Interior Department spokeswoman Heather Swift called the commission members "eminently qualified individuals," and added that Cloud Point Energy's donation to Zinke's PAC was "absolutely not" a factor in appointing a company representative the commission.

Another member of the committee is John Sweeney, an investor relations executive at VWR Corp., a Pennsylvania-based company that provides laboratory services to the pharmaceutical, biotech, industrial and healthcare industries.

Sweeney nominated himself to the commission and was appointed because of "his education and experience in business connecting investors with developers," Swift said. Sweeney did not reply to messages seeking comment.

Swift also pointed to the native American tribes on the commission as operating some renewable energy projects. Those tribes on the board are also heavily invested in oil, gas and coal projects. The Navajo Nation, whose president Russell Begaye is on the royalty commission, runs the largest coal-fired power plant in the western United States, and Begaye wrote an op-ed in March asking for government assistance to keep plant from shutting.

Zinke promised to appoint up to four members representing "academia and public interest" groups when he announced plans for the commission, and he has stressed the importance of public oversight on royalties.

But the sole slot that was allotted in the end for a representative for the public interest went to Daniel Rusz , a coal expert from energy industry consulting group Wood MacKenzie.

Interior's Swift initially said the choice came about because "no groups identifying themselves as public interest were nominated or self-nominated." She didn't address the rejection of the Taxpayers for Common Sense nomination, but said the group was "still permitted to attend the public meetings and the public comments are taken into consideration in decision making processes."

The commission also doesn't include any local government representatives identified as Democrats or nominated by Democratic governors. No one from Colorado or California was appointed, despite those two states producing more energy resources from federal lands than

Alaska or Texas.

Gov. Steve Bullock, the Democratic head of Zinke's home state of Montana, nominated a Montana Department of Natural Resources employee who helps manage 6.2 million acres in the state that received \$23 million in royalties from Interior in 2016, though that nominee was rejected. Interior did name a Montana representative as an alternate board member in case a sitting member drops out.

Instead, Interior appointed a Clinton Carter, Alabama's Republican state finance director. Alabama received \$1.9 million in royalties from the department in 2016.

The lack of public accountability advocates on the board threatens to undermine its purpose of helping Interior increase public revenue, House Natural Resources committee ranking member [Raul Grijalva](#) (D-Ariz.) said in a [letter](#) to Zinke.

Appointing a committee dominated by the fossil fuel industry with no public interest voices does not build "greater trust and transparency," Grijalva said in his letter, adding that the committee "should not be allowed to act as a fig leaf for actions designed solely to favor the interests of drilling and mining companies."

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Liberal groups pour \$2M into Virginia governor digital ads [Back](#)

By Kevin Robillard | 09/14/2017 10:00 AM EDT

A slew of liberal groups are teaming up for a \$2 million digital ad buy aiming to drive Virginia voters to the polls in November and back Democratic Lt. Gov. Ralph Northam for governor.

Planned Parenthood Votes and Planned Parenthood Virginia PAC, the Tom Steyer-backed Next Gen America, Priorities USA Action and the Virginia League of Conservation Voters PAC are all contributing hundreds of thousands of dollars to the effort, which will begin this week and run until Election Day. The ads will aim to reach and turn out more than 1.2 million voters.

"When it comes to women's health in Virginia, everything is on the line, which is why we are doubling down to elect progressive champion Ralph Northam," said Deirdre Schifeling, the executive director of Planned Parenthood Votes. "We are pushing boundaries with the most coordinated and innovative digital program we've seen on this scale. This cutting edge digital program in Virginia will set a new precedent for coordinated investment and execution of a digital media program to reach, persuade and mobilize voters in a statewide race."

Planned Parenthood's ads, the first to be released, [tout Northam](#) as a "true champion for women's health" who will fight to expand Medicaid and [attack](#) Republican gubernatorial candidate Ed

Gillespie for saying he would like "to see abortion be banned."

The groups are touting the buy as an unprecedented effort from liberal groups to coordinate their digital spending. The groups are sharing data and working together to develop messaging, voter contact timelines and dividing targeted audiences.

Democrats have often worked together to coordinate their television and mail efforts, but digital efforts have sometimes been more scattershot.

Priorities, which was the main super PAC backing Democratic presidential nominee Hillary Clinton in 2016, hopes to replicate the effort in other states with competitive races in 2018.

"For years, Democrats have worked together on TV advertising and field, but fallen behind on digital advertising. Progressives can and must work together if we are going to make electoral gains in 2017, 2018 and beyond, and this first-of-its-kind coordinated digital effort is going to provide us a blueprint moving forward," said Patrick McHugh, executive director of Priorities USA Action. "Working closely together will allow us to efficiently deliver complimentary messages using the same data and targeting to ensure we're all working toward the same shared goal without duplicating or competing efforts."

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From: POLITICO Pro Energy Whiteboard
Sent: Tue 9/19/2017 5:23:29 PM
Subject: Pruitt says EPA formed task force to revamp new source review permitting

By Alex Guillén

09/19/2017 01:17 PM EDT

EPA Administrator Scott Pruitt said today he has formed a task force to explore potential reforms to the agency's New Source Review permitting program, which is meant to prevent power plants and other emitters from making major equipment changes that could increase emissions.

Speaking at the Concordia Annual Summit in New York, Pruitt said EPA's NSR permitting program has chilled industry investments on upgrades to their facilities over concerns about permitting-related burdens.

"That's really a disincentive to achieving good environmental outcomes," Pruitt said. "And so we're engaged in an NSR task force to find out how do we provide certainty there, how do we provide encouragement and incentive to companies to spend literally billions of dollars to achieve good environmental outcomes in the air quality space, but also give them certainty long-term that they're not going to lose their permit to operate."

Pruitt did not elaborate on the task force's membership, agenda or timeline.

The Energy Department's August electric grid study recommended considering NSR reforms at EPA. But as POLITICO reported, several attempts to change the permitting program under George W. Bush were largely struck down by the courts.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/09/pruitt-says-epa-formed-task-force-to-revamp-new-source-review-permitting-093162>

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From: EPA Press Office
Sent: Thur 9/14/2017 9:11:13 PM
Subject: EPA TO RECONSIDER CERTAIN COAL ASH RULE PROVISIONS

CONTACT: press@epa.gov

EPA TO RECONSIDER CERTAIN COAL ASH RULE PROVISIONS

WASHINGTON (September 14, 2017) The United States Environmental Protection Agency (EPA) has granted two petitions to reconsider substantive provisions of the final rule regulating coal combustion residuals (CCR) as nonhazardous waste under subtitle D of the Resource Conservation and Recovery Act (RCRA).

"In light of EPA's new statutory authority, it is important that we give the existing rule a hard look and consider improvements that may help states tailor their permit programs to the needs of their states, in a way that provides greater regulatory certainty, while also ensuring that human health and the environment remain protected," said **EPA Administrator Scott Pruitt**.

In granting the petitions, EPA determined that it was appropriate, and in the public's interest to reconsider specific provisions of the final CCR rule based in part on the authority provided through the Water Infrastructure for Improvements to the Nation (WIIN) Act. EPA is not committing to changing any part of the rule, or agreeing with the merits of the petition – the Agency is simply granting petitions to reconsider specific provisions. Should EPA decide to revise specific provisions of the final CCR rule, it will go through notice and comment period.

The petition from the Utility Solid Waste Activities Group (USWAG) was submitted May 12, 2017, and seeks reconsideration of 11 specific provisions of the final CCR rule, including provisions prohibiting the use of alternative points of compliance for ground water contamination, regulating inactive surface impoundments, and defining what activities constitute beneficial use of CCR. The petition from AES Puerto Rico LLP was submitted May 31, 2017, and seeks reconsideration of certain on-site storage practices.

The current rule went into effect on October 19, 2015 and regulates how CCR generated from electric utilities and independent power producers is managed and disposed of in surface impoundments and landfills. The rule also defines what constitutes beneficial use of CCR; and, therefore, is excluded from the rule's requirements.

In December 2016, the WIIN Act was enacted into law. Section 2301 of the WIIN Act provides authority for states to operate permit programs under subtitle D of RCRA, as long as the EPA determines that the state's requirements are as protective as the standards in the 2015 final rule or successor regulations. Should EPA decide to revise specific provisions of the final CCR rule, it will go through a notice and comment process.

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From: POLITICO Pro Energy Whiteboard
Sent: Tue 9/19/2017 3:33:11 PM
Subject: EPA air nominee to argue against OSHA silica rule

By Alex Guillén

09/19/2017 11:27 AM EDT

William Wehrum, the nominee to run EPA's air office, will argue in court next week that an Obama-era rule setting stricter limits for workers' exposure to respirable silica should be nullified, according to a court filing.

As an attorney at Hunton & Williams, Wehrum has represented several industry groups since last year in the challenge to the Occupational Safety and Health Administration regulation, including the National Stone, Sand & Gravel Association and the Brick Industry Association.

Wehrum confirmed today in a routine court filing that he will argue on behalf of the industry groups on Sept. 26. His nomination hearing before the Senate Environment and Public Works Committee is Wednesday.

The D.C. Circuit Court of Appeals said in August that Wehrum, whose nomination to EPA was announced on Sept. 7, will be allocated 12 minutes to argue that OSHA has not proven that there is a "significant risk" of health problems at exposures of 100 micrograms per cubic meter of air, or that any such risk would be reduced by the new limit of 50 $\mu\text{g}/\text{m}^3$. Wehrum will also argue that the brick industry should have been excluded from the regulation.

Other attorneys will handle the remaining arguments against the rule. The arguments are slated to last 90 minutes total, and will be heard by Chief Judge Merrick Garland and Judges Karen LeCraft Henderson and David Tatel.

Neither Wehrum nor the industry groups immediately returned requests for comment today.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/09/epa-air-nominee-to-argue-against-osh-silica-rule-093143>

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From: POLITICO Pro Energy Whiteboard
Sent: Tue 9/12/2017 6:59:06 PM
Subject: DOE shifts SunShot's solar goals

By Eric Wolff

09/12/2017 02:56 PM EDT

The Department of Energy is shifting the focus of its SunShot Initiative to including broader administration priorities, such as grid reliability.

The program, which had dedicated itself to lowering solar costs including both panel costs and permitting, will now also devote research dollars to resilience, reliability, and storage, DOE said today.

"With the impressive decline in solar prices, it is time to address additional emerging challenges," Daniel Simmons, acting assistant secretary for energy efficiency and renewable energy, said in a statement. "As we look to the future, DOE will focus new solar R&D on the Secretary's priorities, which include strengthening the reliability and resilience of the electric grid while integrating solar energy."

DOE was also touting the early achievement of one of its 2020 goals, reducing solar costs for utility-scale solar to 6 cents a kilowatt-hour.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/09/doe-shifts-sunshots-solar-goals-092798>

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From: POLITICO Pro
Sent: Tue 9/12/2017 6:34:42 PM
Subject: Pruitt: EPA had no emails communications with Icahn

By Eric Wolff

09/12/2017 02:28 PM EDT

EPA had no email communication with billionaire and former Trump adviser Carl Icahn, EPA Administrator Scott Pruitt told Sen. Sheldon Whitehouse (D-R.I.) in a letter this week.

In the letter sent Monday and provided to POLITICO by an EPA official, Pruitt said EPA searched the inboxes of 39 high-ranking officials for messages to or from Icahn between Feb. 17 and Aug. 18, and they found no emails on any subject.

Pruitt's letter was a response to four different letters from Whitehouse and other Senate Democrats seeking information on Icahn's efforts to modify the Renewable Fuel Standard to benefit his refining company. Icahn was an unpaid adviser to Trump until last month, when he resigned his title after questions arose about his advocating for policies that would help his businesses.

Pruitt did acknowledge meeting with Icahn as part of his vetting process to join the Trump administration.

"Mr. Icahn was one of many of the president's advisors that I met with during my confirmation process," he wrote. "During that meeting, I made no assurances with regard to the point of obligation or any other substantive issue."

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From: POLITICO Pro Energy Whiteboard
Sent: Thur 9/14/2017 3:46:22 PM
Subject: NERC chief: A grid run mostly on renewables is 'technically feasible'

By Darius Dixon

09/14/2017 11:42 AM EDT

The technology already exists to run the electric grid largely on renewable energy, though implementing it wouldn't be easy, Gerry Cauley, the CEO of the North American Electric Reliability Corp., told lawmakers this morning.

Cauley was being probed by Texas Rep. [Joe Barton](#), who asked whether it was "possible to meet the same reliability standards if you go to a generation system that is predominantly renewables."

"From what we're seeing, it's technically feasible. There are a lot of new challenges," the NERC chief told a House Energy and Commerce subcommittee.

"Wind and solar do not inherently come with the controls to provide frequency response, voltage response," he said, while noting a logistical problem when California wildfire last year triggered 1,200 megawatts of solar capacity to disconnect from the grid.

"We've been working with the vendors to show them some of those weaknesses," Cauley said. "I think the technology is there today. It just requires a lot of coordination."

FERC Chairman Neil Chatterjee later told reporters that he believed there was some "disagreement" between Cauley and Barton about the reliability impacts of high renewable penetration on the grid. "I'd want more details on that before I speculate," he said.

In a separate line of questioning about global warming impacts on the grid, Cauley said that climate change was outside NERC's expertise but that in his eight years as its CEO he had seen "an increase in the magnitude and severity of events — flooding and so on."

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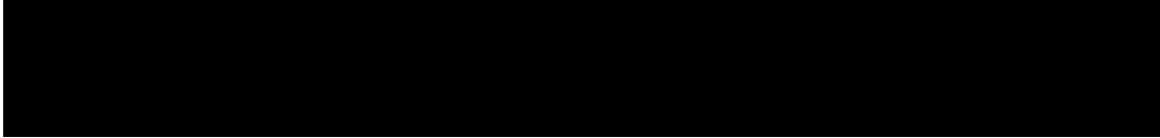
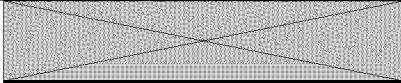
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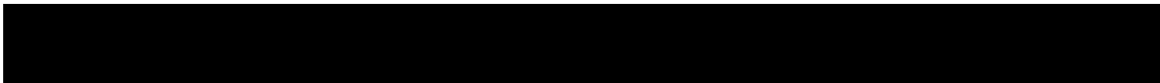
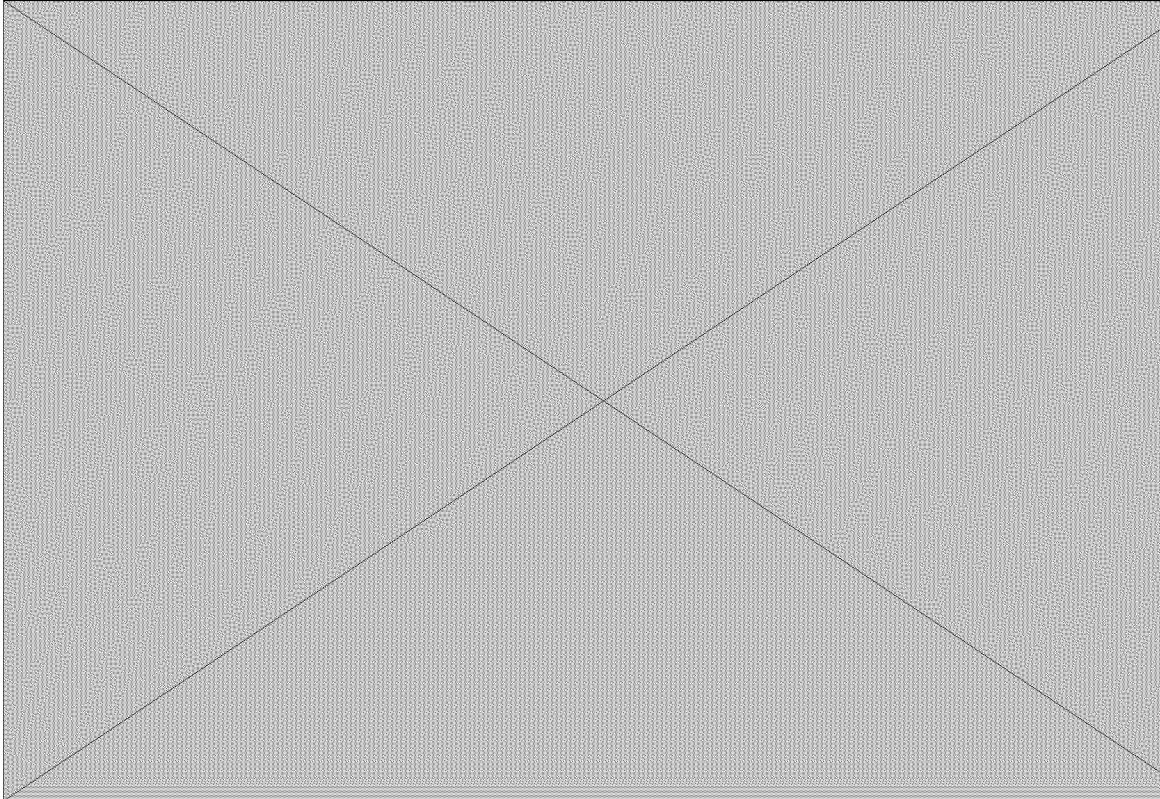
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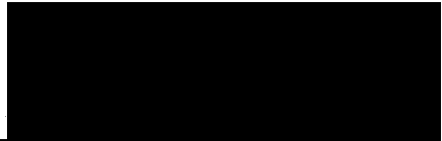
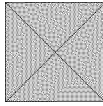
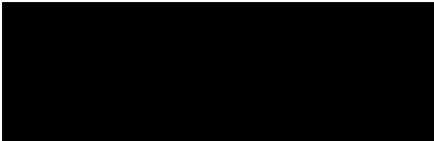


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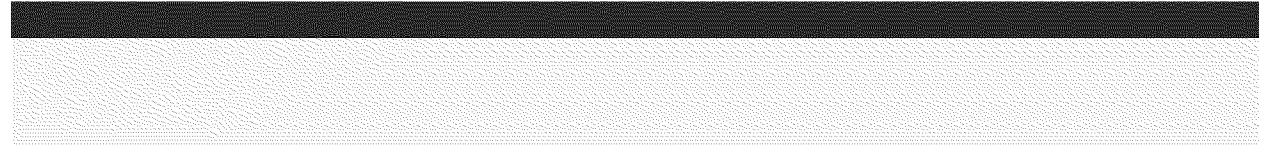


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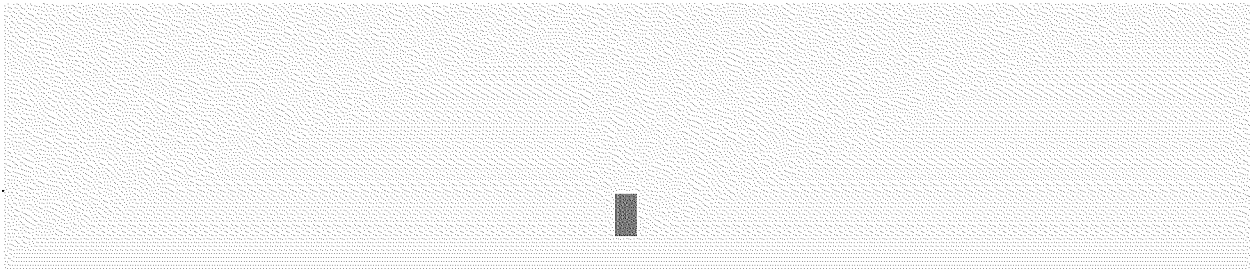
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From: Morning Consult
Sent: Thur 9/14/2017 1:04:40 PM
Subject: Morning Consult Washington, Presented by the Electronic Payments Coalition: Trump Says No Deal Reached With Democrats on DACA



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From: POLITICO Pro
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By POLITICO Pro Staff

09/14/2017 08:50 AM EDT

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This event is exclusive to Pro subscribers across our 16 policy coverage areas.

Join the conversation on Twitter using #ProSummit and watch live [here](#).

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy
Sent: Thur 9/14/2017 9:43:24 AM
Subject: Morning Energy: Replacing Clean Power Plan could disappoint conservatives — Domenech nomination clears Senate — More regulatory waivers extended after hurricanes

By Anthony Adragna | 09/14/2017 05:41 AM EDT

With help from Eric Wolff

PRUITT'S CARBON TIGHTROPE BALANCING ACT: Leaving the door open to rewrite the Obama administration's Clean Power Plan would help President Donald Trump's administration honor the wishes of power companies looking to avoid years of legal uncertainty but might not satisfy the demands of some conservative activists, Pro's Emily Holden [reports](#). EPA wants to move to collect comments about whether to write a new regulation, and is likely to write a new rule given the agency would be on much shakier legal ground if it simply opted not to regulate carbon dioxide from power plants.

Any replacement rule would be unlikely to take a meaningful bite out of carbon levels and would be based on a much narrower interpretation of EPA's Clean Air Act authority. That may be enough in the interim for some conservatives who would prefer a straight withdrawal of Clean Power Plan but who wouldn't oppose a replacement rule. "Ultimately, the responsibility to fix this mess lies with the Congress, so until they act, the only thing the Administration can do is minimize the damage," said Tom Pyle, a conservative lobbyist with the American Energy Alliance who led Trump's Energy Department transition team. But the details could have political implications for Pruitt, who is widely seen as a potential candidate for the U.S. Senate in his native Oklahoma.

Most utilities assume future regulations or laws will ultimately require them to curb carbon emissions even if the Obama administration's Clean Power Plan goes down and support EPA issuing a replacement rule — albeit a much weaker one. "We think that future regulation of carbon emissions from power production is likely, and could provide additional planning certainty," Tammy Ridout, a spokeswoman with coal-heavy AEP, said. Regardless of the approach Pruitt ultimately selects, environmental groups are sure to vigorously contest his efforts in court.

DOMENECH CLEARS SENATE: Trump's pick for Interior assistant secretary nominee, Douglas Domenech, cleared the Senate by voice vote late Wednesday. The veteran of George W. Bush's Interior Department who was on the Trump transition team's landing team at the agency said during the confirmation process that he [still believes](#) that the human contribution to climate change is very small. Domenech also previously served as Virginia's secretary of natural resources.

But others will wait: Efforts to fill out the Trump energy team must wait a few more days again after the Senate Energy and Natural Resources Committee shelved votes slated for today on the nominations of five FERC, DOE and Interior nominees, Pro's Darius Dixon [reports](#). Votes are now slated for next Tuesday.

Democrats threaten to delay Bodine: Two EPW Democrats — [Sheldon Whitehouse](#) and [Jeff Merkley](#) — threatened to hold up Susan Bodine's nomination to be EPA enforcement chief until she provides details about her advisory role to the administrator and whether she played a role in the agency's decision to enforce its methane rule on a "case by case" basis. They said Bodine's assumption of a role at EPA without being confirmed first may run afoul of federal law.

EPA nominees up next week: Four EPA nominees will get their day at Senate EPW for a hearing next Wednesday. They are: Michael Dourson to run the agency's chemical office; Matt Leopold to be general counsel; David Ross to run the water office; and William Wehrum's contentious bid to be EPA's top air official. The committee also will consider Jeffery Baran's renomination to another five-year NRC term.

WELCOME TO THURSDAY! I'm your host Anthony Adragna, and Bracewell's Frank Maisano named Schuyler Colfax and John Nance Garner as the two House speakers that became vice president. For today, and in keeping with the theme: Who is the lone speaker that went on to become president? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#), and [@POLITICOPro](#).

GET PUMPED! POLITICO Pro convenes its first-ever policy summit today (follow along [here](#)) with a little something for everyone. Of particular interest to energy fans: a 10:30 a.m. session hosted by Pro's Nick Juliano on the implications of the Trump administration on energy policy. Panelists include: Exelon CEO Chris Crane; Senate Energy staffer Spencer Gray; Business Council for Sustainable Energy President Lisa Jacobson and MWR Strategies' Mike McKenna. Other non-energy speakers throughout the day include: Treasury Secretary Steve Mnuchin, Commerce Secretary Wilbur Ross and top House taxwriters [Kevin Brady](#) and [Richard Neal](#).

TEMPORARY REGULATORY WAIVERS GALORE: With Florida and Texas still restoring power and taking stock of damage following Hurricanes Harvey and Irma, federal regulators are temporarily relaxing regulatory requirements to help those states get back online. As POLITICO Florida's Bruce Ritchie [reports](#), the EPA acknowledged in a [letter](#) Wednesday it recognized the need to use "flexibility" provided in federal stormwater discharge permits for facilities affected by the storm.

Jones Act waiver extended: Citing "severe disruptions of the oil supply system," DHS announced Wednesday it [extended](#) a Jones Act waiver through Sept. 22 to alleviate fuel shortages in the areas affected by the hurricanes. The decision will allow foreign-flagged vessels to deliver fuel from U.S. refineries to Florida and other impacted states, something barred under the 1920 Jones Act.

Texas' too: EPA [said](#) late Wednesday it would waive fuel requirements under the Clean Air Act for reformulated gasoline and low volatility gasoline in Texas through Oct. 1 to "help address the emergency circumstances" in the state from the hurricanes. In addition, the agency also continued to allow the use of Texas Low Emission Diesel in 110 Texas counties.

Three's a trend! OMB Chief Mick Mulvaney [told](#) CNN's Jake Tapper on Wednesday there's

"plenty of time later" to discuss climate change but said the focus right now should be on helping hurricane victims in Texas and Florida. "I'd be more than happy to have a longer discussion another day about climate change, man-made climate change," he said. Energy Secretary Rick Perry previously said now's "not the time" to discuss climate change, while EPA Administrator Scott Pruitt called such talk "insensitive."

Curbelo fine with climate talk: Back on Capitol Hill after responding to Hurricane Irma's impacts on his district, Rep. Carlos Curbelo said climate change should be a part of post-storm discussion. "It shouldn't be the first thing people talk about — the first concern has to be all the people in the Florida Keys and throughout the state of Florida who are struggling," he told reporters. "[But] it's certainly not irresponsible to highlight how this storm was probably fueled — in part — by conditions that were caused by human-induced climate change."

Backs Nelson's climate comments: Curbelo said he "absolutely" agreed with his state's senior senator, Bill Nelson, that Republicans were "denying reality" if they refused to acknowledge climate change. "I am critical of both the deniers and the alarmists because they don't contribute much to solving this problem," he said. "The deniers deny it so you can't address a problem you don't recognize and the alarmists scare everyone and take credibility away from the issue, and people who are convincible then shy away. People need to talk about this in a sober way, in a rational way."

Be on the lookout: Curbelo said his bipartisan Climate Solutions Caucus should hit 60 members in the near future, which would triple its membership from last Congress. The caucus grew to 56 members on Tuesday with the additions of Republicans Chris Collins and Pat Tiberi and Democrats John Larson and Nydia Velazquez.

HOUSE PANEL TAKES FIRST LOOK AT RELIABILITY: They've split the original hearing into two, but the House Energy and Commerce Energy Subcommittee takes a first look at various issues associated at the reliability of the U.S. electric grid. Making his first congressional appearance since confirmation is FERC Chairman Neil Chatterjee. Also testifying is Gerry Cauley, president of the North American Electric Reliability Corporation, and Patricia Hoffman, an official within DOE's Office of Electricity. The background memo for the hearing, which kicks off at 10 a.m. in Rayburn 2123, is available here.

HERE'S SOMETHING YOU WON'T SEE EVERYDAY: Still looking to drum up momentum for their bipartisan bill boosting carbon capture and sequestration technologies, one of the Senate's most unusual possible quartets — Heidi Heitkamp, Shelley Moore Capito, Sheldon Whitehouse and John Barrasso — participate in an event hosted by the Center for Climate and Energy Solutions on the latest innovations in the technology and efforts to speed its deployment. It kicks off in Hart 902 at 8:30 a.m. Details here.

PARTS OF EPA DISCHARGE RULE DELAYED: EPA issued a final rule Wednesday formally delaying key compliance dates from a 2015 regulation limiting toxic discharges in power plants' wastewater streams, Pro's Alex Guillén reports. Specifically, the agency will delay deadlines related to limits on discharges of flue gas desulfurization wastewater and bottom ash transport water, two waste streams associated with burning coal for electricity, while it

reconsiders those standards. EPA said the delays will provide annualized utility cost savings between \$27.5 million and \$36.8 million.

Environmental groups vowed to sue: Mary Anne Hitt, director of Sierra Club's Beyond Coal campaign, said in a statement her group would take "immediate action" to fight a decision she called "so unconscionable from a public health — and common sense — perspective, that [Pruitt] couldn't even name a valid legal reason for the delay." Earthjustice Attorney Thomas Cmar called the rule "a bold-faced gift to the coal industry at the expense of the health of families everywhere."

PROBE OF EPA GRANT PROCESS SOUGHT: The Center for American Progress and Union of Concerned Scientists are today asking EPA's inspector general in [a letter](#) to investigate the agency's grant review process, rumored cancellation of some grants and allegations of political interference. "We urge your office to begin an investigation of these matters immediately," they write.

REVAMPED FEDERAL LEASING PROGRAM SOUGHT: The Wilderness Society, along with several other petitioners, are [asking](#) Interior and BLM this morning to revamp the fiscal terms and management processes regarding oil and gas leasing on federal lands. The petitioners argue their reform proposals would not harm, slow, or stop energy production on public lands. "Analyses of these decades-old [current] policies has shown that they are harming the taxpayers that the BLM is obligated to ensure receive the benefits of leasing and the public lands that BLM is obligated to ensure are managed for multiple use and sustained yield," they write.

HIDDEN DANGER IN OKLAHOMA? Massive oil storage tanks in Cushing, Okla. could be growing more vulnerable by the day as man-made earthquakes stemming from fracking tests their limits, Kathryn Miles reports in POLITICO Magazine. Five of the largest energy companies each said have procedures and protocols for natural disasters, but that they would not comment on the specific designs of their tanks, nor how those tanks would fare in a major earthquake. Read the full thing [here](#).

NRDC SEEKING REHEARING ON REFRIGERANTS CASE: The Natural Resources Defense Council plans to ask the D.C. Circuit for an en banc rehearing of [last months' decision](#) striking down an EPA rule limiting use of hydrofluorocarbons, a global warming exacerbating coolant. NRDC believes the majority in the 2-1 decision erred in its determination that the law was clear and did not require agency interpretation, known as Chevron Step 1. "[D.C. Circuit Judge Brett] Kavanaugh interprets the law in a way that eviscerates the program," said David Doniger, head of climate programs for NRDC. "Everybody understood to this point that the substitutes for ozone depleting chemicals were replacements ... and when new ones are developed safer than the old ones, the old ones are supposed to give way." HFCs fall out of the atmosphere faster than CO2, but have a far higher global warming potential.

Honeywell, too? "We believe the EPA's regulation is well-supported by the law and was in the best interests of the public, industry and the environment," a spokeswoman for Honeywell International Inc. said in an email to ME. Honeywell makes next generation coolants. "We are closely reviewing the decision and are likely to pursue an appeal, and are already taking steps to

ensure that the accelerated transition to HFC alternatives continues."

FOR YOUR REFERENCE: Advanced Energy Economy today released seven specific issue briefs as policymakers consider ways to modernize the U.S. electric grid. They cover: advanced metering; access to data; optimizing capital expenditures; distributed energy resource ownership; using energy efficiency as a resource; performance-based regulation and designing rates in a distributed energy resource future.

BETTER LUCK NEXT YEAR? Two ambitious bills in California — laying the groundwork for a regional electricity grid and eventually phasing out use of fossil fuels — won't advance this year, a key committee chairman told the Los Angeles Times Wednesday. "There's not a lot of time for the engagement we need to make it work," Assemblyman Chris Holden said, adding they should be considered as part of a "comprehensive conversation" in 2018. The legislative session ends Friday and the deadline for amending legislation was Tuesday night.

REPORT: CLOSING COAL PLANTS MEANS BIG BUCKS: Phasing out inefficient coal plants would save U.S. customers up to \$10 billion annually by 2021, a new report from Carbon Tracker finds. Constructing combined cycle gas turbines will be more cost-effective by the mid-2020s than continuing to operate 78 percent of the nation's current coal fleet, the study concludes. "The US power sector remains entirely unprepared for a coal phase-out consistent with a below [2 degree] C outcome," it finds, referring to the goal of the Paris climate agreement to limit global temperature increases.

NEW EDF AD USES HARVEY FOOTAGE: The Environmental Defense Fund is launching a new ad in the Washington area for three weeks using footage from the Arkema plant incident in Texas. The ad warns Congress that cutting the agency's budget could harm disaster response moving forward.

MOVER, SHAKER: Nick Conger starts a new gig as former Vice President Al Gore's communications director in Nashville on Oct. 2. The Obama administration EPA veteran leaves his current post as a press secretary at NRDC on Sept. 22. "I couldn't be more thrilled to join [Gore's] team and help shape his public activities," he writes of his role.

QUICK HITS

— New York's buildings emit most of its greenhouse gases. The mayor has a plan to change that. Washington Post.

— Former Vice President Al Gore: Investors can lead climate change battle. CNBC.

— US judge cites tribal sovereignty in dismissing coal lawsuit. AP.

— Colorado outlines how new pipeline rules will be considered after fatal Firestone explosion. Denver Post.

— Saudis Prepare for Possible Aramco IPO Delay to 2019. Bloomberg.

— Oil Rises on Signs of Tightening Supply. Wall Street Journal.

HAPPENING TODAY

8:30 a.m. — "State of the Art: Innovations in CO2 Capture and Use," Center for Climate and Energy Solutions, Hart 902

8:30 a.m. — The Alliance to Save Energy hosts Great Energy Efficiency Day (GEED), Columbus Club, Union Station, 50 Massachusetts Ave NE,

8:30 a.m. — POLITICO Pro policy summit, Omni Shoreham Hotel, 2500 Calvert Street, NW

9:30 a.m. — Business meeting to consider various nominations, Senate Energy and Natural Resources Committee, 366 Dirksen

10:00 a.m. — "EIA's International Energy Outlook 2017," Center for Strategic and International Studies, 1616 Rhode Island Avenue, NW

10:00 a.m. — "U.S. Policy Options to Support Democracy in Venezuela," Senate Foreign Relations Committee, Dirksen 419

10:00 a.m. — "Part One: Powering America: Defining Reliability in a Transforming Electricity Industry," House Energy and Commerce Energy Subcommittee, 2123 Rayburn

11:00 a.m. — Sen. Markey and Rep. Cartwright hold press conference to announce climate change and public health legislation, S-115, U.S. Capitol

THAT'S ALL FOR ME!

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/09/replacing-clean-power-plan-could-disappoint-conservatives-024587>

Stories from POLITICO Pro

Repeal and replace approach to EPA climate rule may disappoint Trump base [Back](#)

By Emily Holden | 09/14/2017 05:01 AM EDT

The Trump administration is leaving the door open to replace former President Barack Obama's landmark climate regulation for power plants — a move that would fall short of conservatives' calls to erase it all together

A mend-it-don't-end-it approach from the Environmental Protection Agency on Obama's 2015 rule could appease power companies that say they need some kind of EPA regulations — albeit

much weaker ones — to save them from years of legal uncertainty. But it might not satisfy the demands from some conservative activists, who have pressured EPA Administrator Scott Pruitt to reject the entire idea that climate change is a problem requiring federal action.

The agency is aiming by early October to issue a proposal to undo the Clean Power Plan, along with a separate advance notice of its intent to consider a replacement, a source close to the process told POLITICO.

That approach still leaves a wide array of options on the table — including ultimately deciding against a new rule — and it could allow Pruitt to stretch out the process for several more years without ultimately resolving how the agency should address the greenhouse gas emissions from power plants, one of the largest contributors to human-caused climate change.

The Clean Power Plan encouraged the power sector to shift away from coal and toward natural gas and renewable power, an approach that Obama's critics said exceeded EPA's authority under the Clean Air Act. At a minimum, Trump's EPA would likely seek to limit any replacement to require only the negligible carbon emissions reductions that could be achieved at coal plants themselves, without prodding states and utilities to replace those facilities with cleaner generation.

The details about how to begin unraveling Obama's climate regulations could have political implications for Pruitt, who is widely seen as a potential candidate for the U.S. Senate in his native Oklahoma. Repealing the power plant rule was an explicit campaign promise for President Donald Trump, who has dismissed man-made climate change as a "hoax."

For now, conservatives appear willing to give Pruitt the benefit of the doubt because he is walking a legal tightrope and could still decide to take aim at EPA's underlying obligation to regulate carbon emissions. The D.C. Circuit Court of Appeals has agreed to keep litigation over the Clean Power Plan on hold through Oct. 7, but judges warned Pruitt last month that EPA is dodging its legal obligation to regulate carbon by failing to outline its next steps on the rule.

Myron Ebell, the climate skeptic who led EPA's transition team, has pushed for Pruitt to fight the agency's "endangerment finding" that it must address climate change. But he said a replacement rule might be an "adequate stopgap."

He said if the courts ultimately find that a coal-plant focused rule isn't enough to fulfill EPA's legal obligation, then "in order to keep the president's promise that we're going to get rid of these economically destructive rules, the only alternative they will have is to reopen the endangerment finding."

Challenging that finding, which determined that heat-trapping gases like carbon dioxide were a public health threat, would mean fighting climate change science, and most lawyers say it is a losing battle. The Obama administration issued the endangerment finding in 2009, two years after the Supreme Court told EPA to determine its role in fighting climate change.

Tom Pyle, a conservative lobbyist with the American Energy Alliance who led Trump's Energy

Department transition team, said he would prefer a straight withdrawal of the Clean Power Plan but wouldn't oppose a replacement rule.

"Ultimately, the responsibility to fix this mess lies with the Congress, so until they act, the only thing the Administration can do is minimize the damage," Pyle said via email.

But EPA would be on much shakier legal ground if it just refused to regulate carbon dioxide from power plants, the nation's largest source of greenhouse gas pollution.

EPA wants to move to collect comments about whether to write a new regulation, and is likely to write a new rule, multiple sources said.

Any replacement would be based on a narrow interpretation of EPA's authority and is unlikely to make a meaningful dent in carbon levels — unlike Obama's version, which pledged to cut the power industry's carbon pollution as much as 32 percent below 2005 levels by 2030.

Opponents of the Clean Power Plan have also argued that the rule is illegal because EPA had already regulated coal plants under a different section of law. EPA could still make that argument while proposing to withdraw the plan and invite comments on the idea in its notice of a potential replacement.

Environmental groups are expected to sue no matter which path Pruitt and Trump take.

"There would be very intense protests to rescinding the Clean Power Plan and replacing it with nothing indefinitely, which is what this would be," said Sean Donahue, a lawyer at Donahue & Goldberg who represents environmental groups defending the Clean Power Plan in court.

EPA is planning to issue an Advance Notice of Proposed Rulemaking (ANPR), the first step toward issuing a replacement for the Clean Power Plan, according to the source familiar with the process. But that route leaves many options open.

Kevin Poloncarz, a lawyer with the firm Paul Hastings who represents energy companies supporting the Clean Power Plan, said the notice could be "fairly nondescript" and could suggest a replacement rule or ask for feedback on whether EPA can legally regulate power plants under the section of the Clean Air Act that the Obama administration used.

If EPA simply rescinded the Clean Power Plan without announcing plans to consider a replacement, Poloncarz said power companies could face nuisance lawsuits.

Issuing the notice could be a compromise position. While it's in place, "the industry should feel some degree of comfort that they're insulated from those lawsuits," Poloncarz said.

States like New York could still take court action against EPA if the agency is taking too long or questions its own authority on greenhouse gases, he added.

It's not unusual for an agency to take years to follow up on an ANPR. EPA took about six years

to issue its draft Clean Power Plan in 2014.

"The entire point of ANPR is to help agencies decide which course they want to pursue where there are multiple options," said Tom Lorenzen, a partner at Crowell & Moring who represents electric cooperatives challenging the Clean Power Plan.

"I think one purpose of an ANPR would be to send a message to the court that EPA is thinking about what comes next," he added.

Lorenzen said an ANPR could suggest a replacement rule or argue that any regulation is illegal because the agency has already regulated power plants under Section 112 of the Clean Air Act.

Several attorneys noted that Bill Wehrum, the lawyer nominated to run EPA's air office, has represented power industry clients who likely would back a replacement rule because they consider regulation to be inevitable.

Most utilities assume a future regulation or law will require them to curb carbon emissions, even if Trump's EPA rescinds the Clean Power Plan.

Even coal-heavy power companies have said they support EPA issuing a replacement rule.

AEP, a Midwestern power company that gets slightly less than half of its electricity from coal, would back a new proposal "consistent with the EPA's authority under the Clean Air Act," spokeswoman Tammy Ridout said.

In 2005, 70 percent of AEP's power came from coal, but the company has been intentionally shifting toward renewable power and lower-carbon natural gas.

"We think that future regulation of carbon emissions from power production is likely, and could provide additional planning certainty," Ridout said.

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Interior nominee Domenech says human role in climate change small [Back](#)

By Esther Whieldon | 07/20/2017 01:12 PM EDT

Interior assistant secretary nominee Douglas Domenech told his senators at his confirmation hearing today that he still believes that the human contribution to climate change is very small.

At the Senate Energy and Natural Resources Committee hearing, Sen. [Al Franken](#) (D-Minn.) asked Domenech, President Donald Trump's nominee for assistant secretary for insular areas, if he still stood by his December [op-ed](#) that said that humankind was impacting the climate in "very

small ways."

Domenech, an Interior veteran who was on the Trump transition team's landing team at the agency this year, said "yes."

The senator asked whether Domenech, given his views on climate change, is the "right person" to help vulnerable island communities that are being impacted by sea level rise.

Domenech said that as Virginia's secretary of natural resources, he helped the fishing community in Tangier Island in Chesapeake Bay deal with erosion and sea level rise.

"We worked with them quite a bit in terms of reinforcing their shoreline and those kinds of activities with the Corps of Engineers, and so I take it very seriously, I don't at all minimize that the climate is changing," Domenech said.

WHAT'S NEXT: Senators will by the end of today send Domenech a list of questions they want answered for the record and the committee will likely wait to schedule a vote on his nomination until the receive his responses.

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Senate energy committee delays vote on FERC, DOE and DOI nominees [Back](#)

By Darius Dixon | 09/13/2017 06:28 PM EDT

The Senate Energy and Natural Resources Committee announced this evening it postponed a Thursday morning series of votes on President Donald Trump's nominees for FERC and the departments of Energy and Interior.

The panel was slated to consider Kevin McIntyre for chairman of FERC, Richard Glick for FERC commissioner, David Jonas for DOE general counsel, and Ryan Nelson and Joseph Balash for solicitor and assistant secretary for land and minerals management at DOI. The vote will now happen Sept. 19.

A committee spokesperson said the vote was delayed because of "member availability."

WHAT'S NEXT: The Senate energy committee will vote on the nominees on Tuesday at 9:30 a.m.

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POLITICO Pro Florida: EPA backs Florida on stormwater permit 'flexibility' following Irma [Back](#)

By Bruce Ritchie | 09/13/2017 07:10 PM EDT

EPA is telling state officials they recognize the need to use "flexibility" provided in federal stormwater discharge permits for facilities affected by Hurricane Irma.

Florida regulations allow for temporary bypass of stormwater systems or unintentional noncompliance in emergency situations, Florida Department of Environmental Protection spokeswoman Dee Ann Miller said.

The state had relayed concerns to the EPA about those provisions relating to Hurricane Irma, said Miller, who added that those bypass provisions will allow ports and other facilities get back into operation as quickly as possible.

In a [letter](#) released today, EPA regional administrator Trey Glenn said the agency recognized the need under federal law for "potential flexibility" because of circumstances caused by Hurricane Irma that are "beyond the reasonable control" of permit holders.

"The EPA also recognizes there may be other unforeseen issues that arise as a result of this disaster and we stand ready to work together with our state partners to address these potential issues as they arise," Glenn wrote.

This story first appeared on [POLITICO Pro Florida](#) on Sept. 13, 2017.

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Florida Sen. Bill Nelson: Republicans 'denying reality' on climate change [Back](#)

By Michael Grunwald | 09/12/2017 09:06 PM EDT

Democratic Senator Bill Nelson of Florida, after surveying the damage that Hurricane Irma inflicted across his state, blasted Republican politicians who reject the science and minimize the importance of climate change—including his likely opponent in 2018, Governor Rick Scott.

In an interview Tuesday evening with POLITICO, Nelson said it's clear that manmade global warming made Irma worse by increasing the temperature and the height of the seas that fueled the storm. He said he didn't want to play partisan politics in the aftermath of a hurricane, but then went on to criticize Republicans in general and Scott in particular—though not by name—for opposing climate action. He noted that both the Trump administration in Washington and the Scott administration in Tallahassee have reportedly discouraged government employees from

even talking about climate change.

"It's denying reality," Nelson said. "You can call it politics or whatever, but the Earth is getting hotter. This storm is another reminder of what we're going to have to deal with in the future."

Nelson, a former astronaut, launched into a detailed explanation of the science of climate change and the greenhouse effect, and how it has helped make the waters around Florida higher and warmer in recent decades. He said it would be a crucial issue in his reelection campaign, even as he avoided the words "Rick Scott."

"It's certainly going to be an important issue, and if certain people such as the one you mentioned is my opponent, there's a significant contrast in what we believe," Nelson said.

Florida is a swing state in presidential elections, but its state government and statewide offices tilt heavily Republican; Nelson has been an exception to the red wave, but a well-known, well-funded opponent like Scott would be by far his most difficult challenge to date. He clearly sees climate as a potential wedge issue in a state with a heavily coastal population and increasing vulnerability to Irma-type disasters. Scott did not discuss the issue in his frequent Irma briefings; a spokesperson for the governor, when asked about Nelson's comments, said, "Now is not the time for politics. This storm is not a partisan issue. Now is the time to focus on helping Florida rebuild."

But in the past, he has questioned climate science—or declined to affirm the scientific consensus that it's being caused by humans, often noting, "I am not a scientist"—and fossil-fuel interests have supported his campaigns. In 2015, the Miami Herald [reported](#) that Scott's administration had even banned the use of the terms "climate change," "global warming" and "sustainability" in official documents.

Nelson is not known in Washington as a leader on climate issues, but he said he's focused on them since he was Florida's insurance commissioner in the 1990s. He's fought against President Trump's proposed cuts to climate science at agencies like NOAA, NASA and EPA, and said he helped persuade the Obama administration to launch a satellite, first dreamed up by Al Gore, that takes continuous pictures of the Earth from deep space.

But Nelson didn't really argue that he deserved kudos for accepting the conclusions of the scientific community; he argued that Republicans on the other side of the issue need to explain why they think "99.5 percent of climate scientists" are wrong. Several prominent Republicans in South Florida—including Miami-Dade County mayor Carlos Gimenez and Reps. Carlos Curbelo and Ileana Ros-Lehtinen—have made it clear they believe Washington needs to take climate seriously. Nelson pointed out that politicians don't question government scientists when they say a hurricane is coming—but when the same agencies use the same scientific instruments to measure long-term climate trends, opinions suddenly differ.

"It's ironic, isn't it?" Nelson said. "They accept the hurricane information, but deny the climate information ... Look, some people still think the Earth is flat."

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EPA delays parts of power plant toxic discharge rule [Back](#)

By Alex Guillén | 09/13/2017 03:35 PM EDT

EPA has finalized a [rule](#) delaying by two years the key compliance dates for a 2015 regulation limiting toxic discharges in power plants' wastewater streams while it reconsiders those standards.

The delay provides "relief from the existing regulatory deadlines while the agency revisits some of the rule's requirements," EPA Administrator Scott Pruitt said in a statement.

Following industry requests, EPA specifically is delaying deadlines related to limits on discharges of flue gas desulfurization wastewater and bottom ash transport water, two waste streams associated with burning coal for electricity. EPA estimates the two-year delay of those requirements will provide annualized utility cost savings between \$27.5 million and \$36.8 million.

The agency said it will not revisit new standards for other types of waste streams — including fly ash transport water, flue gas mercury control wastewater and gasification wastewater — and will leave deadlines associated with those streams in place.

The delay will take effect two weeks after it is published in the Federal Register, and is open to court challenges.

The Obama administration said the overall rule, known as effluent limitations guidelines or ELGs, ultimately would curb 1.4 billion pounds of aluminum, lead, mercury, arsenic and other toxic metals from entering waterways via discharge streams each year.

To view online [click here](#).

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How Man-made Earthquakes Could Cripple the U.S. Economy [Back](#)

By Kathryn Miles | 09/14/2017 05:03 AM EDT

When Hurricane Harvey made landfall in Texas, U.S. oil refining plummeted to record lows. Now, two weeks later, six key refineries remain shut down and an additional 11 are either struggling to come back on line or operating at a significantly reduced rate. That slowdown, coupled with predictions of decreased demand in the wake of Irma and the devastating

earthquake that struck Mexico last week, has shifted oil pressures in other places, too. And none may be quite as vulnerable as the tank farms in Cushing, Oklahoma.

Dubbed the "Pipeline Crossroads of the World," Cushing is the nexus of 14 major pipelines, including Keystone, which alone has the potential to transport as much as 600,000 barrels of oil a day. The small Oklahoma town is also home to the world's largest store of oil which sits in hundreds of enormous tanks there. Prior to this recent spate of natural disasters, Cushing oil levels were already high. They've increased nearly a million barrels to nearly 60 million barrels in the two weeks since.

This concentration of oil, about 15 percent of U.S. demand, is one reason the Department of Homeland Security has designated Cushing "critical infrastructure," which it defines as assets that, "whether physical or virtual, are considered so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof."

The biggest potential cause of that incapacitation? According to Homeland Security, it's not terrorism or mechanical malfunction. It's natural disaster. And here's the problem: When most of the Cushing tanks there were constructed, the most logical cause of any such disaster seemed like a catastrophic tornado. No one anticipated swarms of earthquakes. But that's what began occurring about five years ago, when wastewater injection and other fracking-related activities changed the seismic face of Oklahoma in dramatic fashion. Two hours before that deadly quake in Mexico, for instance, a magnitude 4.3 temblor shook Central Oklahoma, knocking out power for thousands. The earthquake, which had an epicenter just 100 miles northwest of Cushing, was the 186th quake in Oklahoma to register a magnitude 3.0 or higher.

This man-made seismicity has changed the landscape of Oklahoma significantly, from a state with one of the lowest seismic rates in the country to the most seismically active in the lower 48, says Ken Erdmann is Senior Vice President at Matrix Engineering, the firm that designs, fabricates, and builds many of the tanks in places like Cushing. "It's not natural. It's not Mother-nature based."

That's a problem, he says because the statistical analysis used to establish safe environmental loads is based on historical intervals—both the average and maximums of events like snowfall or wind or seismic activity.

"When those levels become man-made induced numbers," says Erdmann, "statistics are no longer really relevant."

But while the number of earthquakes and their intensity has increased in recent years, the strength of the regulatory apparatus in place to ensure their safety hasn't kept pace. Oversight of the tanks has been left to a tiny agency buried inside the Department of Transportation that was never intended to serve this role. And the safety standards, which one earthquake expert calls the weakest permissible, were created by an industry trade group rather than the government agency. For those inclined to contemplate worst-case scenarios the prospect of an earthquake rupturing the Cushing tanks would be an environmental catastrophe far greater than the Exxon Valdez.

When most of these tanks were constructed, seismic activity in Oklahoma was negligible. In 2011, the state experienced a 5.6 quake. Last year, they had a 5.8—the same magnitude as the quake that rocked Washington and much of the eastern seaboard six years ago. That Oklahoma event toppled the exteriors of historic buildings and prompted the Pawnee nation to declare a state of emergency. Seismologists at the United States Geological Survey say the area around Cushing is capable of an even stronger quake—maybe even a 7.0. Earthquake magnitude is measured exponentially, which means that a 7.0 quake would be 15 times larger than the biggest one to hit Oklahoma so far. And it would release over 60 times as much energy.

What would it do to the Cushing tanks? I posed that question to each of the five largest oil companies there.

Michael Barnes, senior manager of U.S. Operations and Project Communications at Enbridge, which holds nearly half the oil at Cushing, says it's the company's policy not to comment on speculative questions such as mine "because by their very nature they are hypothetical." What he would say is that the company regularly participates in safety drills, workshops and other activities. That includes protocols preparing for seismic activity.

"In the event of an earthquake, procedures are in place to respond quickly and confirm Enbridge tanks and other facilities were not impacted and can continue to operate safely," says Barnes. "This includes dispatching technicians and other experts to perform visual inspections and check instrumentation on tanks, pipes, motors and pumps."

I received a similar response from the other energy companies with major Cushing holdings: that they have procedures and protocols for natural disasters, but that they would not comment on the specific designs of their tanks, nor how those tanks would fare in a major earthquake.

Getting an answer out of the government can be just as frustrating. A big part of the problem is the Byzantine system of governmental agencies regulating these tank farms. This oversight varies from state to state. In Oklahoma, most energy concerns are controlled by the Oklahoma Corporation Commission (OCC). But, says their spokesperson Matt Skinner, the OCC only regulates intrastate pipelines and tanks.

"If any part of that oil leaves the state or comes from elsewhere," says Skinner, "it becomes totally outside of our jurisdiction."

Determining that jurisdiction is no easy matter. The EPA regulates "non-transportation-related oil storage tanks," but that excludes farms like Cushing, which are tied to pipelines. The person I talked to there couldn't tell me who regulates Cushing, nor could the spokesperson for the Department of Energy, which oversees our country's petroleum reserve sites. The Department of Transportation regulates oil and gas pipelines, unless they cross federal lands, in which case they are the purview of the Bureau of Land Management, or if they are operated by the military. Gas and oil produced on the outer continental shelf falls under the Department of the Interior, which

works in concert with the Department of Transportation to regulate its movement.

I called those offices as well, asking if they knew what agency regulated tanks like the ones at Cushing. No one I spoke to knew—including at the public affairs office of the Department of Transportation. As it turns out, a tiny office in the DOT known as the Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates the tanks. Established by President George W. Bush in 2004, PHMSA was intended to increase security around the transportation of hazardous fluids like gas and oil. As such, it was never really meant to govern stationary storage. I asked their spokesperson what seismic regulations were in place for tank farms like Cushing. He referred me to Appendix C of the Pipeline Safety Regulations. And it is true that there are seismic considerations there: provisions regarding safety reporting, any "unintended" or "abnormal" movement of a pipeline, or reduced capacity of a pipeline because of seismic activity. But none of these considerations mentions storage tanks per se. I asked that same spokesperson to direct me towards the language relating to tanks. He has yet to respond.

None of this surprises the OCC's Matt Skinner. "I've gone through the standards a bunch of times," he says. "I haven't found any relating to tanks and seismic activity."

If the government isn't explicitly regulating the ability of the tanks to withstand an earthquake, then who is? Turns out that what standards do exist are created by the American Petroleum Institute, a national trade organization representing the oil and gas industry. And the standards are not overly rigorous, say seismologists.

Tom Heaton, professor of Geophysics and Director of the Earthquake Engineering Research Laboratory at Caltech says most, if not all, of the tanks in Cushing are built to the weakest industry design standards. He thinks even a moderate quake could be enough to violently push the oil from one side of the tank to another. In geological terms, the phenomenon is known as a seiche: an internal wave or oscillation of a body of water. The more oil is in a tank, the more dangerous that seiche becomes.

That makes tank farms like Cushing particularly vulnerable in the face of other natural disasters like Harvey and Irma as oil and pipeline companies engage in a kind of shell game for oil storage—full tanks do better in high wind conditions like hurricanes and tornadoes; they fare far worse in earthquakes.

And certainly there is precedent for the kind of damage Heaton predicts. In the years after the 1994 Northridge earthquake in California, the National Institute of Standards and Technology (NIST), found evidence of seismically-induced oil tank damage going back as far as the 1930s and as recently as the 1994 quake, some of which was catastrophic.

But Ken Erdman is circumspect about just how much damage a major quake might wreak on the Cushing tank farms. In addition to his role at Matrix, Erdmann also heads up the API committee that creates standards for the tanks. He says it's true that ones in Cushing weren't built for moderate or severe quakes, and that the shaking caused by one would almost certainly be

"beyond allowable limits" for the API standards utilized at the Oklahoma farms. Probably, he says, you'd see buckling and deformation of the tanks rather than full failure.

The real problem, he says, would be the pipelines themselves, says Ron Ripple, Mervin Bovaird Professor of Energy Business and Finance at the University of Tulsa. Ripple estimates that an earthquake or other disaster would have to knock out half those tanks to have a real impact on the market. Of bigger concern to him are the pipelines, which control a larger volume of oil. He points to the October 2016 explosion of the Colonial Pipeline in rural Alabama as a corollary. The resulting fire kept crews from repairing the pipeline proper for six days. During that time, oil commodity prices jumped 60 percent—the highest spike in nearly a decade. Exporters clamored to find work-arounds, including tankers capable of moving the oil by sea. As a consequence, freight cargo rates increased by nearly 40 percent. Meanwhile, motorists in southern states rushed the pumps, elevating prices there, too—forcing the governor of Georgia to issue an executive order warning about price gouging.

It wouldn't be unreasonable, says Ripple, to see a similar scenario were the Cushing pipelines to go down. The Colonial Pipeline moves about 100 million gallons of oil and gasoline a day—about the equivalent of the Seaway Pipeline, just one of the more than dozen that converge on this town. That pipeline was also shut down in late 2016, after authorities in Cushing noticed a spill. The effect of that shutdown had the opposite effect, pushing the price of US oil below \$50 a barrel, as international traders worried they wouldn't get their deliveries.

"Prices move through the markets fairly quickly," says Ripple. "We tend to see opportunistic changes in prices right after an event. Some of those look like a pretty close cause-and-effect relationship between supply and demand. Other times, you'll see impacts that leave us all scratching our heads. In the end, you just don't know how the market and consumers will react."

Johnson Bridgwater, director of the Oklahoma Chapter of the Sierra Club, says he's mindful of the economic effects of such a spill, but it's the impact on the landscape and the people who occupy it that most concerns him. Imagine, says Bridgwater, if Ripple's scenario of losing half the tanks came to fruition.

"That's fifty million barrels," he says. "We'd be looking at our own on-land *Exxon Valdez*."

Worse, actually. The *Valdez* was carrying just over a million barrels of oil. A quarter of that spilled. And light crude, the kind of oil stored in Cushing, poses particular challenges to an environment, often killing animals or plants on contact and emitting dangerous fumes that can kill both human and animal residents.

"This would not be a simple cleanup," says Bridgwater. "You'd have an uninhabitable community for a long time."

That shouldn't be acceptable to anyone, says U.S. Representative Bobby Rush, the Chicago area Democrat who serves as the ranking member on the Committee on Commerce and Energy's Subcommittee on Energy.

"Over the past five years or so Oklahoma has become more active as an earthquake zone. PHMSA must account for these changing circumstances and implement appropriate regulations that apply to tank farms located in these more sensitive areas to make them more sturdy and secure. The fact of the matter is that we must ensure that these tanks, which hold vast amounts of oil, are designed to withstand seismic activity in order to protect both the public safety and the local, state, and national economies that rely heavily on this resource."

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Court ruling leaves HFC future in hands of EPA, Congress [Back](#)

By Eric Wolff | 08/09/2017 05:09 PM EDT

The effort to get the U.S. to comply with a treaty eliminating a heat-trapping chemical now faces a grueling path after a major courtroom setback this week — and it may depend on EPA using its power to regulate chemicals.

The D.C. Circuit Court's [ruling](#) Tuesday forced EPA to abandon its plan to use the Clean Air Act to limit use of hydrofluorocarbons, a refrigerant that would be phased down under recent changes to the Montreal Protocol. Proponents of the effort, including environmentalists and the air conditioning industry, will now need the Senate to approve the treaty and Congress to pass a new law authorizing EPA to implement it, or they will have to persuade EPA Administrator Scott Pruitt to act — no small feat considering the EPA chief's disdain for both climate change initiatives and regulations.

The changes to the Montreal Protocol agreed to in Kigali, Rwanda, last year would curtail global use of HFCs, a move that scientists say could prevent up to 0.5 degrees Celsius — 0.9 degrees Fahrenheit — of warming by the end of the century. U.S. industry groups have supported the Kigali agreement and had backed EPA's plan to implement it under the Clean Air Act's Section 612. That section, put in place nearly 30 years ago as authorizing language to implement the initial Montreal Protocol, established a market mechanism that was designed to reduce ozone-damaging chemicals.

But the court's rejection of using Section 612 may require new legal authority to empower EPA to act if the U.S. eventually ratifies the Kigali amendment.

"You'll have a treaty and have Congress look at it and pass implementing legislation," said Stephen Yurek, CEO of the Air Conditioning, Heating, and Refrigeration Institute, whose members are the world's biggest makers of HFCs — and will produce most of the next generation chemicals.

In its ruling, the D.C. court suggested a slew of laws EPA could use to regulate HFCs: The Toxic Substances Control Act, the National Ambient Air Quality Standards, regulating as a hazardous

air pollutant, and regulating HFCs in cars and trucks. But several lawyers said TSCA was the only credible alternative.

"There's a lot of authority under TSCA to regulate chemicals and chemical uses," said Jane Montgomery, a partner with Schiff Hardin who works with power companies. "It's not as straightforward as what they intended to under 612, but there's an environmental harm portion of TSCA. ... For managing the sale and manufacturing and use, TSCA is the most appropriate statute we have."

Yurek said AHRI was still reviewing TSCA as an option, but he feared that it would be a blunt instrument, requiring EPA to issue a rule that immediately limited or banned HFCs, in contrast to the phase-down approach created under Section 612 of the Clean Air Act.

"I'm concerned that it's much more of a command-and-control-type regime, you have different categories, and potentially banning," he said.

Under the TSCA update Congress passed last year, EPA must assess HFCs before regulating them, and then issue a rule, a process that could take about five years, legal experts said. The agency would ultimately have the authority to limit or even prohibit them, Montgomery said. And in its ruling, the D.C. Circuit upheld several of EPA's tools used to assess the global warming impact of HFCs, bolstering the case for a potential TSCA rule.

AHRI and environmental attorneys largely dismissed the court's other suggestions for EPA to comply with the Kigali goals. The NAAQS program focuses on just six pollutants, none of which are HFCs, they said. Congress similarly created a fixed list of pollutants under the hazardous air pollutants rules, limiting that program's broader application, attorneys said. And refrigerants used in car and truck air conditioners make up only a small part of the refrigerants market.

"These authorities are even less congruent with the authority the EPA invoked in this rulemaking to regulate ozone-depleting chemicals and their substitutes down the road," said Brendan Collins, a partner with law firm Ballard Spahr who represents power companies and oil and gas companies.

EPA says it is still reviewing the court decision, but it's not clear whether Pruitt would advance another rule to govern HFCs, even though it is backed by business interests. Proponents of the Kigali treaty could draw a skeptical reception from the Trump administration, which has been dismissive of both multi-party treaties and climate science — though the administration did defend the rule in court in February. The White House would need to submit the treaty amendment to the Senate for ratification.

Kigali advocates have long aimed to keep a low profile and quietly persuade staffers to support the effort as the administration got up to speed. AHRI is now trying to determine whether the court decision will require a change in its strategy, or if it can apply the same pro-U.S. business approach to the more conservative House.

"We have to decide [if] we do a more public push or keep the schedule," Yurek said. "Right now, the plan is that we continue to wait until the end of this year, and continue to educate both House and Senate."

Green groups who back the ban on HFCs may try a more direct route by appealing to the D.C. Circuit for en banc review. There are seven D.C. Circuit judges appointed by Democrats, versus four appointed by Republicans, potentially giving the appeal an edge — though that advantage flips at the Supreme Court, should the case go that far.

"We are exploring the options," said David Doniger, director of climate programs for the Natural Resources Defense Council. "Including rehearing based on the dissent."

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Subject: Center-right groups urge ITC against recommending tariffs in solar case

By Megan Cassella

09/11/2017 03:53 PM EDT

The International Trade Commission should avoid recommending the use of tariffs to protect the U.S. solar industry in an ongoing trade remedy case, a coalition of right-leaning policy groups will say this week as a swirling debate over a pending ITC ruling has divided domestic industry.

The heads of six groups, including the R Street Institute, the American Legislative Exchange Council and the National Taxpayers Union, warned in a [letter](#) that will be sent to the ITC on Tuesday that an affirmative decision would double the cost of solar products in the country and leave the U.S. vulnerable to retaliation and challenges at the World Trade Organization.

If the ITC finds evidence that domestic industry has been hurt by imports, it should tailor its recommended relief to exempt imports from countries that the U.S. has free trade agreements with, the letter says.

The groups also leaned on recent history to bolster their argument, noting that the statute under which the case was filed, known as Section 201, is an "extreme remedy with a troubling recent history." Former President George W. Bush levied import restrictions similar to what Suniva and SolarWorld Americas are asking for in this case to protect the domestic steel industry in 2002, but those were ultimately withdrawn after the European Union challenged them at the WTO.

"Similar to steel in 2002, solar tariffs today would amount to nothing more than a crony capitalist giveaway to failing companies," the groups wrote in the letter, a copy of which was obtained by POLITICO. "They would be paid for by crippling an otherwise growing domestic solar industry (one whose preferential federal tax treatment has been correspondingly phasing down) and higher prices for energy consumers."

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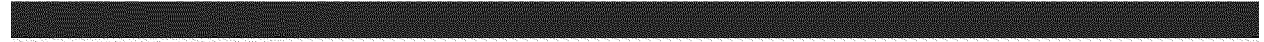
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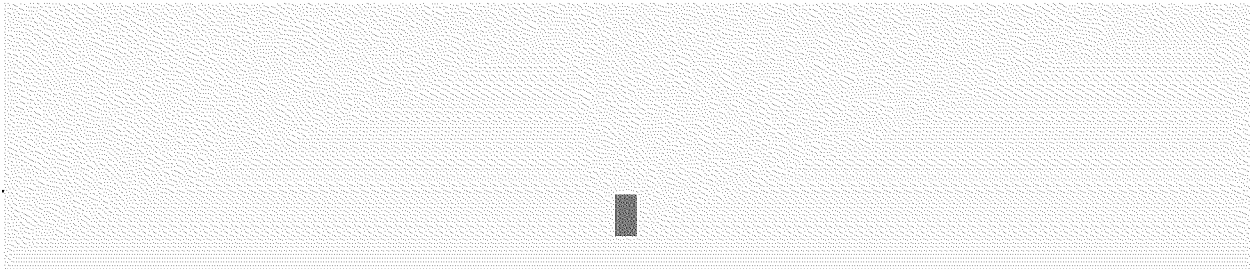
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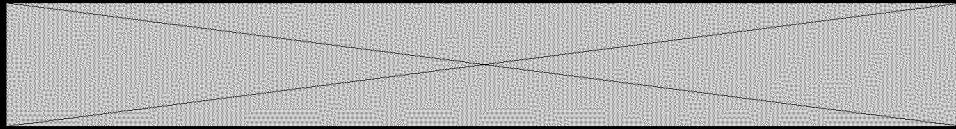


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In addition, Dan assists corporations and not-for-profit entities in merger and acquisition transactions, review of cybersecurity insurance coverage and exposure, capital, lease and other financing transactions, employment and separation agreements, preparation of corporate, partnership and limited liability company documents, and other business and commercial transactions. He organizes companies, represents investors, advises senior executives as they join and leave companies, and counsels clients in disputes over control of their businesses. He also provides backup support to corporate law departments. The diversity of Dan's background and experience allows him to provide sound advice and develop inventive solutions for his clients over a broad range of business and legal issues.

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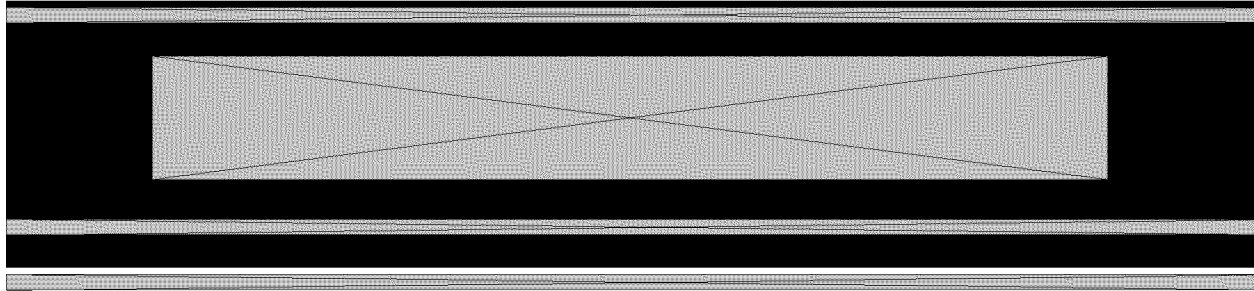
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Subject: Bipartisan Environmental Leaders Praise Susan Bodine's EPA Nomination

WHAT THEY ARE SAYING

Bipartisan Environmental Leaders Praise Susan Bodine's EPA Nomination

WASHINGTON – (June 12, 2017) Prior to Susan Bodine's confirmation hearing in the Senate Environment and Public Works Committee tomorrow, environmental leaders, including former DOJ and EPA officials who served in both Republican and Democrat administrations, are offering praise for Bodine's nomination to serve as EPA's Assistant Administrator for Enforcement and Compliance Assurance. Bodine currently serves as Chief Counsel for the Senate Environment and Public Works (EPW) committee. She previously served as EPA's Assistant Administrator of the Office of Solid Waste and Emergency Response in the George W. Bush Administration, and possesses nearly 29 years of environmental law experience.

What They're Saying About Susan Bodine's Nomination ...

Senate EPW Chairman John Barrasso: "She has extensive experience working both on Capitol Hill and previously in leadership at the EPA. Susan is committed to finding commonsense ways to protect America's land, air, and water. In this new role, I know that she will work to help communities and small businesses comply with the law, while holding polluters accountable."

John Cruden, President-Elect of the American College of Environmental Lawyers and Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice (12/2014-1/2017): "I have worked with Susan over a number of years as she has had significant leadership positions in environmental law and practice. Susan is dedicated to the rule of law, a lawyer with great integrity, and she understands the critical importance of effective and timely enforcement."

Marcus Peacock, EPA Deputy Administrator (08/2005 – 01/2009): "I have known Susan for over 20 years. I can think of no better person to lead the enforcement office at EPA. She understands the mission of the agency and the office and how important it is to protecting human health and the environment. A perfect pick."

Scott Fulton, President of The Environmental Law Institute and EPA General Counsel (08/2009-01/2013): "During the Obama Administration, when I served as EPA's General Counsel, Susan and I worked collaboratively on matters of shared concern to the Administration and the Congress. ... Through these various intersections, I have found Susan to be fair minded, clear thinking, and strategic in her approach, as well as effective in her leadership. She has a deep understanding of EPA and the EPA-State relationship, which will equip her well to lead OECA."

Avi Garbow, EPA General Counsel (08/2013-01/2017) and Deputy General Counsel, EPA (09/2014-08/2013): “Based on my experience, Ms. Bodine possesses a strong intellect, a keen understanding of environmental law and policy, and is respectful and responsive. She is a seasoned environmental lawyer and a skilled advocate. It is also my view that Ms. Bodine’s prior service at EPA is an important – though not indispensable – factor to be considered in her nomination. Her familiarity with the Agency and its talented staff would be of service to OECA and Administrator Pruitt, should she be confirmed.”

Roger Martella, EPA General Counsel (08/2006-04/2008): “Susan epitomizes all the best character and traits we can ask of public servants: tireless and unflappable commitment to the mission of environmental protection and promoting human health, protective of transparency and process in her decision making, objective and apolitical approach to leadership, and empowerment of career decision makers in government.”

Granta Nakayama, EPA Assistant Administrator, Office of Enforcement and Compliance Assurance (07/2005-01/2009): [Bodine is a] “fine environmental attorney” who “reads the statutes and parses the words and does the hard work. She’s . . . rigorous in that sense.” “[She is also] “an experienced hand in Washington and knows how to get things done. She is very practical and looks for solutions that are going to be workable for everybody.”

Mathy Stanislaus, EPA Assistant Administrator, Office of Land and Emergency Management (06/2009-01/2017): “[Susan] understands both the internal side of the agency and the proper balance of enforcement.”

Marianne Horinko, EPA Acting Administrator (07/2013-11/2013) and EPA Assistant Administrator, Office of Solid Waste and Emergency Response (10/2001-06/2004): “Susan Bodine is extremely qualified to run EPA’s enforcement office. As a dedicated public servant with years of experience in environmental policy, she brings a vast understanding of both the agency and the community it regulates. Susan is well suited to carry out the mission of the Administration, and to protect clean air, land and water for the American people.”

Elliot Laws, EPA Assistant Administrator, Office of Solid Waste and Emergency Response (1993-1997): “While I don’t envy her challenge, I think bringing Susan back to the agency is an excellent idea.” “Having a familiar face back at EPA in a senior role is a plus for staff morale. Bringing in someone with her knowledge of the agency and the issues facing it can only be a positive.”

Ben Grumbles, Secretary, Maryland Department of the Environment (03/2016-present), EPA Assistant Administrator, Office of Water (11/2004-01/2009): “She’s tough and fair and committed to public service. [Bodine] embodies a compliance-first approach, but also will bring enforcement actions when needed.”

G. Tracy Mehan, III, EPA Assistant Administrator, Office of Water (08/2001-12/2003) “Susan Bodine brings a commanding intellect and a vast reservoir of experience in environmental policy to the job of running EPA’s enforcement office. The Agency and the American people will benefit tremendously from her legislative, executive and legal expertise across the spectrum of air, land and water. The Administration has made an outstanding selection.”

Cliff Rothenstein, EPA Deputy Assistant Administrator, Office of Solid Waste and Emergency Response (04/1997-06/2000): “I have known Ms. Bodine for almost 20 years where she served as committee counsel to the House Transportation and Infrastructure and the Senate Environment and Public Works committees, and as Assistant administrator for the EPA’s Office of Solid Waste and Emergency Response. She is a dedicated public servant and is well-qualified to lead EPA’s office of

Enforcement and Compliance Assistance. Ms. Bodine has proved herself time and again to be fair, competent, professional and well respected by those who have had the pleasure to work with her. As an added benefit, Ms. Bodine knows EPA well and is known and respected by EPA employees.”

Tom Cochran, CEO and Executive Director, U.S. Conference of Mayors “Many Mayors, as well as my senior staff, have worked with Ms. Susan Bodine over the past 20 plus years. ... Throughout these years, working with Ms. Bodine has been a real pleasure and she has been an asset in every job she has done. She is extremely thoughtful, knowledgeable and professional and has an understanding of the importance of protecting the environment and public health and to do so in an economically responsible way. Her common sense approach to environmental protection and infrastructure investment is widely respected among her peers and my Mayors. While we are sorry to lose her in her current role, she would be a welcome asset at the EPA.”

Zippy Duvall, President, American Farm Bureau Federation: “Susan Bodine’s breadth and depth of experience in environmental protection make her an outstanding nominee to lead OECA. ... In her decades of experience in private practice, for Congress and EPA, Susan Bodine has proven her leadership skills and her deep understanding of our nation’s environmental laws and how they affect ordinary citizens and small businesses. She has shown leadership in working toward solutions with groups on all sides of the many controversies that entangle environmental protection. We believe she will strictly enforce our nation’s environmental laws, using the hammer when necessary. We also believe she will bring back an effective yet underutilized tool in EPA’s toolbox – compliance assistance. Farmers and ranchers across the nation look forward to a new era of firm, but fair enforcement.”

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Tue 6/6/2017 10:55:01 AM
Subject: Pruitt: President Trump Put America First

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EPA Administrator Scott Pruitt: President Trump Put America First

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 5/10/2017 5:49:23 PM
Subject: Court delays lawsuit over California air waiver

By Alex Guillén

05/10/2017 01:33 PM EDT

The 9th Circuit Court of Appeals today granted EPA's request to postpone oral arguments over a Clean Air Act waiver allowing California to more strictly regulate emissions from certain engines.

The order directs EPA to file updates on its review of the waiver every 90 days, and says arguments will be rescheduled "if and when appropriate." Arguments had been slated for May 18.

The waiver, issued by EPA in 2013, gives California the authority to more strictly regulate pollution from "non-road" diesel engines such as tractors and bulldozers. EPA on Friday asked for a delay as it reviews the waiver and potentially reconsiders it.

California argues that the Clean Air Act does not give EPA the authority to revoke such a waiver after it is granted. This case is seen as a potential test of that legal dispute ahead of a bigger fight over California's waiver to more stringently regulate auto emissions.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/05/court-delays-suit-over-california-air-waiver-087537>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 5/10/2017 2:43:51 PM
Subject: Senate fails to advance methane CRA

By Ben Lefebvre

05/10/2017 10:33 AM EDT

Republicans may have seen their last chance to easily overturn an Obama-era regulation disappear this morning after the Senate failed to advance legislation to repeal an Obama-era rule on methane emissions.

Senators voted 49-51 against a procedural measure to take up the Congressional Review Act resolution reversing the BLM regulation tightening limits on methane leaking from oil wells and pipelines. This week is the last chance for Senate Republicans to block late Obama-era regulations under special CRA rules that block CRA resolutions from being filibustered. Sens. [Susan Collins](#), [John McCain](#) and [Lindsey Graham](#) joined all Democrats in voting against the motion.

Oil companies have fought to repeal the rule, arguing it would raise their cost of doing business. Democrats and environmentalists have said the rule would increase the amount of methane sold on federal lands, increasing royalty payments into federal coffers.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/05/senate-advances-methane-cra-087513>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy
Sent: Wed 5/10/2017 9:47:29 AM
Subject: Morning Energy, presented by Trout Unlimited: Senate primed to decide methane rule's fate today — Huge workload awaits Trump's FERC picks — No contamination reported after Hanford tunnel collapse

By Anthony Adragna | 05/10/2017 05:42 AM EDT

With help from Alex Guillén and Eric Wolff

METHANE RULE MEETS ITS FATE: After months with its fate shrouded in uncertainty, the Obama administration rule to reduce methane emissions from oil drilling on public lands will face a procedural vote today at 10 a.m. in the Senate ahead of a subsequent filibuster-proof Congressional Review Act vote. Republicans projected confidence Tuesday that the measure would pass, but admitted the vote to kill the regulation would be close and subject to some late-breaking lawmakers voting their way. "I think we're okay, but it has tended to move around and some folks are being a bit guarded," Sen. [John Hoeven](#) told ME the night before the vote. Backers of the CRA resolution got some good news when Sen. [John Thune](#) told reporters a bloc of corn-state lawmakers seeking a waiver to allow sales of 15 percent ethanol blended fuel year-round were mostly behind the measure. Assuming the votes are there, expect the Senate to send President Donald Trump his last CRA measure to sign by the end of the day.

Key votes to watch: Publicly undecideds include Sens. [Cory Gardner](#) (R-Colo.), [Heidi Heitkamp](#) (D-N.D.), [Dean Heller](#) (R-Nev.) and [Joe Manchin](#) (D-W.Va.). Senate Judiciary Chairman [Chuck Grassley](#) pointedly declined to tell ME how he'd vote on the CRA late Tuesday. One other wildcard is Sen. [Johnny Isakson](#), who's recovering from back surgery and hasn't voted so far this week.

Unproven promises: One key vote CRA backers got was that of Sen. [Rob Portman](#), who signed on after Interior Secretary Ryan Zinke promised to address the lost revenue and the emissions of methane through a new rule based on different economic impacts. But as Pro's Ben Lefebvre [reports](#), that rationale hasn't been tested in court and the CRA bars issuing rules "in substantially the same form" without specific congressional authorization. Zinke's reasoning surprised at least one former Interior Department official. "There's no interpretations of what that the 'substantially similar' language means. So that's total speculation on their part," said David Hayes, a fellow at the Center for American Progress. And the Western Values Project filed a [FOIA request](#) Tuesday seeking communications between Portman's office and Interior prior to the senator's backing of the resolution.

Never too late: The American Petroleum Institute sent [a letter](#) to Senate leadership Tuesday afternoon urging them to carry the CRA across the finish line. "This rule from BLM, an agency which lacks the authority and expertise to regulate air quality, is an unnecessary layer of federal regulation," Jack Gerard, the group's president, wrote.

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and Matt Herdman was the first to identify the six current senators (Cruz, McCain, Bennet, Van Hollen, Hirono and

Duckworth) who were born outside the U.S. For today: What Supreme Court justice twice led the NFL in rushing yards? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#), and [@POLITICOPro](#).

DAUNTING WORKLOAD AWAITS FERC PICKS: Trump's two FERC nominees — Neil Chatterjee, a senior energy adviser to Senate Majority Leader [Mitch McConnell](#) and Robert Powelson, a Pennsylvania regulator — will face a mountain of decisions about the future of power markets, the agency's relationship with the states, and its approach to enforcement once confirmed, Pro's Darius Dixon [reports](#). There's already a traffic jam of energy infrastructure projects needing the leadership's blessing, and staff have been lining up draft orders for new commissioners to review as soon as they're sworn in. And there's arguably no bigger task they'll face than addressing a growing number of state-level policies tailored to support specific energy sources — such as nuclear incentive programs recently approved in New York and Illinois — that are complicating the markets under FERC's jurisdiction.

What's next? Senate Energy and Natural Resources Chairman [Lisa Murkowski](#) wants to move quickly on the picks. "The FERC has been without a quorum since early February and they need the ability to get to work," she told reporters Tuesday. She also said she intends to move nominees through her committee as their paperwork comes in rather than trying to package three or four agency picks together.

SERIOUS SITUATION AT HANFORD: No contamination has been found, but officials are still figuring out how to address a partial cave-in of a tunnel at the Hanford Cold War nuclear weapons cleanup site in eastern Washington. In a statement late Tuesday, an Energy Department spokesman said: "The incident is moving from the emergency phase towards the recovery phase. After extensive testing the site remains confident at this point that there has been no indication of worker exposure or an airborne radiological release." Workers first discovered the situation during a routine inspection of the storage tunnel containing rail cars full of radioactive equipment on Tuesday morning. Here's the [emergency webpage](#) from Hanford on the incident.

ZINKE WRAPPING UP UTAH TREK: It's the final day of Zinke's four-day visit to national monuments in Utah and today he'll tour the Grand Staircase-Escalante National Monument, the designation of which is under review by the Trump administration. After his second day touring the controversial Bears Ears National Monument, the Interior chief told [one local station](#): "I think there's a solution out there." His day Tuesday included [a rainy hike](#).

More than 100 hunting and fishing businesses sent [a letter](#) Tuesday voicing support for "responsibly" using the Antiquities Act to protect public lands. "The Antiquities Act is a tool, and like any tool there is a right and wrong way to use it," they wrote. "We oppose any effort to undermine Theodore Roosevelt's legacy by undoing or modifying it."

WHAT ARE WE DRINKING? The Safe Drinking Water Act was supposed to eliminate toxins from American tap water. But not a single new contaminant has been banned under the act in the past 20 years, even as thousands of new chemicals have come onto the market. Even well-known toxins, like a rocket fuel ingredient called perchlorate, long known to damage brain

development, remain in the drinking water of dozens of states. POLITICO Pro's Annie Snider investigates in The Agenda how the most important law protecting our water got trapped between bureaucracy and the changing science — and got stuck there.

**** A message from Trout Unlimited:** For over 50 years, Trout Unlimited has been dedicated to conserving, protecting and restoring North America's coldwater fisheries and watersheds on behalf of today's anglers and coming generations of sportsmen and women. Join us as we support America's public lands and national monuments: <http://bit.ly/2paVoYB> **

NEXT STEP ON ESA MODERNIZATION: Senate EPW takes its next step today toward action on one of Chairman John Barrasso's top priorities: overhauling the Endangered Species Act. Lawmakers will get testimony from three state officials on the whether to strengthen the statute, their capacities in species conservation and their existing roles in the process. The witnesses are: Nick Wiley, executive director of the Florida Fish and Wildlife Conservation Commission; Larry Voyles, director of the Arizona Game and Fish Department; and Janet Coit, director of the Rhode Island Department of Environmental Management. "I believe a bipartisan modernization bill can be developed to reform the ESA in a manner that improves efficiency and effectiveness and maintains the Act's original intent," Coit will say. The hearing kicks off at 10:30 a.m. in Dirksen 406.

ICYMI: Be sure to check out POLITICO's searchable database of everyone who has had individual interactions with Trump. Among the people who've met with the president from the energy world: American Energy Corp.'s Casey Crooks; Boich Companies' Matt Evans; Cambridge Energy Research Associate's Daniel Yergin; three people from GE; two people with Koch Industries; six people with Murray Energy Corp., including two interactions with Robert Murray; the National Mining Association's Hal Quinn; the Nature Conservancy's Lynn Scarlett; Harrison County Coal Company's Scott Martin; Marion County Coal Company's Michael Nelson; Marshall County Coal Company's Eric Grimm and TransCanada's Russ Girling. Send any names we may have missed to us at trumpvisitors@politico.com.

NORTH DAKOTA GOES FIRST ON CARBON WELLS REGULATION: Hoeven got a long-held wish yesterday when EPA Administrator Scott Pruitt signed a proposed rule granting North Dakota primacy over the federal government when it comes to regulating long-term storage wells for carbon dioxide, Pro's Eric Wolff reports. Hoeven has been laboring since 2009, when he was governor, to create a regulatory structure for those storage wells. The proposed rule will put regulation of the wells, along with certifying that they won't leak carbon back into the atmosphere, in the hands of the state. An EPA spokesperson told ME that North Dakota is the first and only state to ask for primacy on these wells. David Hawkins, director of climate programs for the Natural Resources Defense Council, said his group hasn't reviewed the rule yet, but in general it prefers a single federal rulebook for long-term carbon storage. "The characteristics of a well don't change based on which state they're under," he told ME.

BLANKENSHIP OUT OF CUSTODY TODAY: Don Blankenship is out on the streets today, released from a California prison where he served out a year following his misdemeanor conviction related to the 2010 Upper Big Branch mine disaster that killed 29 of his workers. Blankenship actually transitioned to home confinement back in March, according to the Bureau

of Prisons, and he still has one year of supervised release to go. While in prison and pursuing appeals that ultimately failed, Blankenship maintained he was railroaded by federal prosecutors and, in a booklet apparently composed in prison, portrayed himself as a "[political prisoner](#)." (He also broke his silence to [tweet](#), two days before the election, that "Americans need to elect Donald Trump to build a wall.")

MAIL CALL! ANSWERS SOUGHT ON ADVISER DEPARTURES: Top Senate EPW Democrat [Tom Carper](#) wants details from Pruitt on the decision not to reappoint 12 scientists to the agency's Board of Scientific Counselors. "I am concerned that with these planned actions, along with previous steps you have taken to remove mention of climate change from EPA's website, censor the analysis of EPA's career staff and deny the consensus scientific views about the cause of climate change, you are engaging in a broad approach of denying the science that forms the basis of sound environmental regulation," Carper wrote Tuesday. He asked for all documents related to the decision not to bring the scientists back.

HITCHING A RIDE: Sen. [Lindsey Graham](#) isn't picky about how Congress extends a nuclear production tax credit but thinks he may be able to craft a standalone bill packed with popular renewable energy and carbon capture credits to get it through the chamber. "Maybe [we'll] have a standalone bill that maybe is so popular you can get it done without a vehicle, but I'm looking for anything that comes through the Senate. Naming the post office, I'll put that on it," Graham quipped Tuesday.

STATES SUE OVER COAL LEASE LIFT: California, New York, New Mexico and Washington joined an earlier coalition of environmental activists in [suing](#) Interior over Zinke's order to lift the federal coal leasing moratorium, Pro's Alex Guillén [reports](#). They argue Zinke failed to conduct a new environmental review or update the program's decades-old one, in violation of the National Environmental Policy Act. And they say the agency should have studied whether the coal to be leased will get a fair market value as required under several laws.

MANCHIN CHALLENGED FROM THE LEFT: For the second time in two days, Sen. [Joe Manchin](#) has drawn a challenger — this time, from his left. Paula Jean Swearengin, the daughter of a coal miner and an environmental activist, faces a steep climb to beat the incumbent in the Democratic primary. "The question we face today is: What are we going to do when the coal is gone? And make no mistake, it's going. No one has given us an answer that doesn't require the sacrifice of our health and our environment. I believe our future is in building a 21st-century, clean economy," her [website](#) says.

EARLY PITCH ON APPROPS: More than 100 environmental organizations, including Clean Water Action, Earthjustice, the Sierra Club and the Union of Concerned Scientists, are sending a [letter](#) this morning to congressional appropriators urging them to keep funding for the agencies covered by the Interior, Environment and Related Agencies subcommittee at "no less than continued current funding levels."

MOVER, SHAKER: Sue Biniarz has joined the United Nations Foundation as the new senior fellow for climate change; she was the lead climate lawyer for the U.S. State Department for more than 25 years and played a key role in negotiating the Paris agreement. "She possesses an

unsurpassed understanding of the legal nuances surrounding this and other critical international climate and environmental agreements, and is renowned for her ability to resolve the most contentious and seemingly intractable negotiating issues," Elizabeth Cousens, deputy chief executive officer of the foundation, said in a statement.

FOR SALE: BLM announced plans for a mid-June online auction for oil and gas leases on 196,000 acres in three Nevada counties, Pro's Esther Whieldon reports. The 10-year leases are for 106 parcels in the BLM's Battle Mountain District in Nye, Lander and Eureka counties. The last auction for the district was held in June under the Obama administration for 50,415 acres and generated \$54,340.

SPOTTED: House Majority Leader Kevin McCarthy "on a tour of Lake Okeechobee watershed & Everglades restoration projects" in Florida, per Rep. Francis Rooney.

REPORT: BIG BUCKS TO SAVE NAVAJO: The Institute for Energy Economics and Financial Analysis is out with a report today finding the Navajo Generating Station would require \$740 million to \$1 billion to keep open through 2022 and between \$1.4 billion and \$2.4 billion in subsidies to stay open through 2030.

QUICK HITS

— McConnell: Coal miners have suffered the consequences of federal regulation. Kentucky Today.

— Arctic Nations to Meet Amid Unsettled U.S. Stance on Climate Change. New York Times.

— Tiffany & Co. takes direct aim at Trump in new ad calling for action on climate change. Business Insider.

— Seeing 'chilling effect,' unions push back on ethics memo. E&E News.

HAPPENING TODAY

10:30 a.m. — "Conservation, Consultation, and Capacity: State Views on the Need to Modernize the Endangered Species Act," Senate Environment and Public Works, 406 Dirksen

2:30 p.m. — Senate Energy and Natural Resources Committee hearing on various bills, 366 Dirksen

THAT'S ALL FOR ME!

**** A message from Trout Unlimited:** For over 100 years the Antiquities Act has been a bipartisan tool for conserving America's public lands and our outdoor heritage. Since the time President Theodore Roosevelt signed the Act into law, the Antiquities Act has provided for the long-term conservation of some of the best fish and wildlife habitat and hunting and angling opportunities in the country, spurring local economies. In these places, locally driven

conservation efforts need to be preserved and celebrated. Currently, the Department of the Interior is reviewing national monuments designations. Secretary Zinke has strongly supported keeping America's public lands in public hands. Join us in showing him that we support upholding our national monuments: <http://bit.ly/2paVoYB> **

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/05/senate-primed-to-decide-methane-rules-fate-today-022756>

Stories from POLITICO Pro

Thune: 'Most' ethanol holdouts now ready to back methane CRA [Back](#)

By Anthony Adragna | 05/09/2017 03:14 PM EDT

Sen. [John Thune](#) (R-S.D.) said most of the corn state holdouts in the Senate were now ready to back a Congressional Review Act resolution to nullify an Obama-era methane rule after receiving assurances from Republican leadership that they would have a legislative path for a waiver to allow sales of 15 percent ethanol blended fuel year-round.

"I think most of us who are interested in that issue are probably in a place now where we're confident that we're going to get this dealt with," Thune said of the ethanol waiver. "I think most will be on board [with the methane CRA] but I can't speak for them all."

Thune has been part of a small bloc of Republicans, led by Sen. [Chuck Grassley](#) (R-Iowa), pushing for the waiver and withholding their support for the resolution axing BLM's rule aimed at curbing methane emissions from oil operations on public lands.

But he cautioned that "it'll be close" when asked about whether the GOP-led Senate had the votes to pass the CRA.

Even with the corn-state bloc, several key senators — [Cory Gardner](#) (R-Colo.) and [Heidi Heitkamp](#) (D-N.D.), chief among them — remained publicly undecided today.

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[Back](#)

Zinke's methane CRA promise based on changing rule's cost [Back](#)

By Ben Lefebvre | 05/09/2017 05:26 PM EDT

Interior Secretary Ryan Zinke is promising that he will be able to design a methane rule to replace one Republicans are seeking to repeal under the controversial Congressional Review Act as long as it is based on a different economic impact.

Zinke helped convince Sen. Rob Portman (R-Ohio) to support the CRA resolution to repeal an Obama-era rule cracking down on methane flared from oil wells and pipelines by promising to address the lost revenue and the emissions of the gas.

But Zinke's reasoning hasn't been tested in court, and environmental groups are accusing Portman of exchanging his vote for promises President Donald Trump's administration may not keep.

Republicans have made repealing the methane rule a priority this year. Congress targeted it with the CRA, a law that was only successfully used once before Trump took office.

The House voted in February to use the CRA to do away with the methane rule, but it's been stuck since then in the Senate, where some senators have praised the rule for forcing oil and gas companies to capture more methane to sell, which generates royalties for government coffers.

Until Monday, Portman had said he was undecided on using the CRA, which some Republicans have criticized for going too far because it would pre-empt agencies from creating new rules "in substantially the same form" without specific authorization from Congress. Portman had asked Zinke for specific steps Interior would take to minimize methane emissions.

In his reply letter, Zinke said he shared Portman's concerns and said BLM would look at new regulations curbing methane emissions even if the CRA repealed the Obama-era rule.

In meetings, the Interior Department assured Portman's office that any new rulemaking would not be substantially the same as the current rule, a source familiar with the discussions said. Specifically, Interior staff told the senator that the economic impact of any new rule would be different from the current rule, as would the reasoning supporting any new rule, the source said.

That reasoning surprised at least one former Interior Department official.

"There's no interpretations of what that the 'substantially similar' language means. So that's total speculation on their part," said David Hayes, a fellow at the Center for American Progress and former deputy secretary and chief operating officer for Interior under former presidents Barack Obama and Bill Clinton. "One would think a regulation's operative provisions would determine what's substantially similar or not, not the economic analysis around it."

Environmental groups also pounced on Zinke's letter, saying the steps he promised would not have much impact on methane emissions. Those steps included promises to "engage in robust assessment" of methane flaring requirements, strengthen policies to encourage drillers to capture methane, and revise existing BLM flaring restrictions.

"The list of 'strategies' is so devoid of content that it acts to undercut, rather than bolster, the Secretary's assurances," Environmental Defense Action Fund Executive Director Fred Krupp said in an open letter to Zinke. "Only one potential action [on the list] could have any possible meaningful impact on methane waste, and the authority for that action may well be eliminated by

use of the CRA."

Portman himself doesn't represent a large oil and gas constituency. Oil production in Ohio ranks below that of Kansas and Montana, according to government data. The state has only 2,000 wells that would be affected by the new rule, according to the [Ohio Oil And Gas Association](#), which supports the repeal.

But as the vote nears, pressure groups on both sides are trying to sway any last-minute votes. The trade association American Petroleum Institute reiterated its support for repealing the rule, while in Denver, Todd Mitchell, son of fracking pioneer George Mitchell, penned an op-ed in The Denver Post that was most likely aimed at Sen. [Cory Gardner](#) (R-Colo.), saying the methane rule was overall a good thing.

Earlier on Tuesday, Sen. [John Thune](#) (R-S.D.) said most of the corn state holdouts in the Senate were now ready to back the CRA resolution after receiving assurances from Republican leadership that they would have a legislative path for a waiver to allow sales of 15 percent ethanol blended fuel year-round.

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New FERC picks face a mountain of difficult business [Back](#)

By Darius Dixon | 05/09/2017 07:09 PM EDT

President Donald Trump's new picks for FERC should have little trouble winning Senate confirmation, and once they do they will face a mountain of decisions about the future of power markets, the agency's relationship with the states, and its approach to enforcement.

Trump's long-awaited announcement that he would fill two vacancies on the five-seat commission couldn't have come soon enough for Sen. [Lisa Murkowski](#), who is angling for quick confirmation hearings before her Senate Energy and Natural Resources Committee.

"The FERC has been without a quorum since early February and they need the ability to get to work," Murkowski told reporters Tuesday.

Trump nominated Neil Chatterjee, a senior energy adviser to Senate Majority Leader [Mitch McConnell](#), and Robert Powelson, a Pennsylvania regulator with strong relationships in Congress, to the commission, but he has yet to tap a permanent FERC chairman. That position has been expected to go to Kevin McIntyre, a Jones Day lawyer who also is an expert in the Federal Power Act, FERC's core statute. In more than two decades with Jones Day, McIntyre has had a slew of energy industry clients, including South Carolina Electric & Gas Co. and SCANA Corp., making his financial disclosures and ethics paperwork more complicated than those who have been in government for several years.

The agency has been experiencing a traffic jam of energy infrastructure projects needing the leadership's blessing.

"We are already building up quite a backlog," acting FERC Chairwoman Cheryl LaFleur said recently, noting that there'd been a steep drop-off in the number of orders issued since former Chairman Norman Bay's resignation in February dropped it to two members, preventing a quorum needed to conduct a lot of its most critical business.

Many of those orders, dealing with issues such as interstate natural gas pipeline projects and contested electricity rate plans, still require followup decisions to be made when more leaders are brought on. To help ease the agency's pileup, staff have been lining up draft orders for new commissioners to review as soon as they're sworn in.

Perhaps the biggest issue looming over the agency is how it plans to address a growing number of state-level policies tailored to specific energy sources — such as nuclear incentive programs recently approved in New York and Illinois — that are complicating the markets under FERC's jurisdiction.

The Electric Power Supply Association, which represents independent generators, filed complaints in January calling on FERC to ensure electricity prices in upcoming spring auctions in the New York and the mid-Atlantic area PJM Interconnection markets were not artificially lowered by state programs that subsidize struggling nuclear plants. But until at least one new member is confirmed, FERC's hands are tied.

Meanwhile, Ohio, Connecticut, New Jersey and Pennsylvania have all started to mull their options for helping power plants in their states just as state regulators and a broad swath of the energy industry has increasingly looked to FERC for policy guidance.

Presidents and Congress typically aim to achieve geographic balance at FERC, and Powelson would be the only representative of a PJM state if he is confirmed.

In addition to being the largest power market overseen by FERC, PJM may test how the agency irons out differences — or butts head with — with states crafting lifelines for power plants. And Powelson has called for market operators to take a more forceful role in addressing issues such as aiding nuclear power through carbon pricing rather than leaving states to take bites out of the markets.

"I think it creates a bastardized market construct and at the end of the day, this issue is best resolved with the RTO — in our case PJM — putting that value on carbon and dealing with it," Powelson said in an interview with POLITICO last fall. "Sheepishly, RTOs are putting their heads down in the sand and not saying a word."

Carbon pricing got a lot of airtime at FERC's recent technical conference as perhaps the most market-friendly way to support nuclear power. Still, it was also clear that states within the same electricity market, like New England, couldn't agree on moving ahead with carbon pricing.

Another part of the policy deluge the new commissioners will feel pressure to act on is the agency's closely watched price formation initiative, which focuses on developing new market rules that boost how power plants are paid in an increasingly complex grid. That initiative, which was launched following the 2013-14 polar vortex that caused electricity prices in the Northeast to skyrocket, has been eyed particularly by companies with around-the-clock baseload power plants, like the nuclear industry.

The FERC vacancies also exacerbated uncertainty surrounding the commission's work to protect energy markets against alleged manipulation. Once a new commissioner is confirmed — and a permanent chairman in place — leaders will have to decide how to respond to recent court losses over how they run enforcement cases. While FERC lawyers handle the particulars of each case, the commission leadership will have to debate any overarching change to its enforcement strategy, particularly if judges are going to force them to practically build the cases from scratch again.

FERC Commissioner Colette Honorable also recently announced that she will leave the agency later this year. Her departure provides another opening for Trump to fill but because FERC's board can't have more than three members of the same political party, tradition indicates that Democrats will pick who fills the seat.

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EPA proposes letting North Dakota regulate carbon injection [Back](#)

By Eric Wolff | 05/09/2017 11:14 AM EDT

EPA has proposed a rule to grant North Dakota primacy on regulating long-term storage of captured carbon, Sen. [John Hoeven](#) said in a statement today.

North Dakota has been among the leaders in developing policy to regulate the storage of captured carbon deep in rock formations, and the issue was a priority of Hoeven's when he was governor. The state passed legislation to address questions on carbon dioxide storage in 2009 and 2013. North Dakota first applied to become the primary regulator of long-term storage wells, called Class VI wells, in 2013.

"We've worked since 2008 to develop a states-first approach to regulating geological sequestration, which will help our energy industry, both traditional and renewable, to develop new technologies for storing CO₂," Hoeven said in a statement. "This is important as we work to develop clean coal technologies, as well as projects to sequester CO₂ from ethanol production."

Carbon capture and storage is a long-term goal of the coal industry, as it would allow the continued burning of coal should regulators step up carbon dioxide regulation.

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Blankenship portrays himself as 'political prisoner' in new booklet [Back](#)

By Alex Guillén | 10/05/2016 11:57 AM EDT

Coal magnate Don Blankenship says he is a "political prisoner" just weeks before his appeal will make its way before a federal court.

In a [blog post](#) and 68-page [booklet](#) published online, the former Massey CEO — now serving a one-year sentence in California for a misdemeanor conviction related to the 2010 Upper Big Branch mine disaster that killed 29 people — alleges that he was specifically targeted by prosecutors as "an American Political Prisoner."

The pamphlet argues that the Mine Safety and Health Administration was actually responsible for the blast, a claim he made previously in a self-produced 51-minute [video](#).

"The question to all of us is, do we care enough to do something when the government lies about a mine tragedy and imprisons an innocent man for exercising his freedom of speech?" Blankenship writes.

Blankenship said he will send 250,000 copies of the booklet to unnamed recipients. Along with a lengthy description of how Blankenship says federal prosecutors and the courts "railroaded" him, the booklet includes several favorable press clippings, as well as pages of supportive quotes from coal miners. It also swipes at President Barack Obama for calling the disaster a management failure and at Hillary Clinton for saying Blankenship received a light sentence.

The 4th Circuit Court of Appeals will hear Blankenship's appeal on Oct. 26.

To view online [click here](#).

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Four states sue to block lifting of coal leasing moratorium [Back](#)

By Alex Guillén | 05/09/2017 03:28 PM EDT

Four states today [sued](#) the Interior Department over Secretary Ryan Zinke's order to lift the federal coal leasing moratorium

California, New York, New Mexico and Washington filed the lawsuit in the U.S. District Court

for Montana — Zinke's home state and a producer of coal from the Powder River Basin.

Interior failed to conduct a new environmental review or update the program's decades-old one, in violation of the National Environmental Policy Act, the states argued. They also said Interior should have studied whether the coal to be leased will get a fair market value as required under several laws. Zinke has said previously he will continue the three-year-long program review started under the Obama administration.

The states ask the court to block Zinke's order, which was issued following an executive order from President Donald Trump, and to resume the leasing moratorium.

A coalition of environmental groups in March [also sued](#) over the lifting of the moratorium.

WHAT'S NEXT: A federal judge in Montana will consider the suits and whether to reinstate the moratorium.

To view online [click here](#).

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BLM to auction off oil, gas leases in Nevada [Back](#)

By Esther Whieldon | 05/09/2017 05:02 PM EDT

BLM today [announced](#) it will hold an online auction in mid-June for oil and gas leases on 196,000 acres in three Nevada counties.

The 10-year leases are for 106 parcels in the BLM's Battle Mountain District in Nye, Lander and Eureka counties, and will include annual rental fees of \$1.50 per acre for the first five years and \$2 per acre after that until production begins. Once a developer is pulling oil or natural gas from the land, it will pay a 12.5 percent royalty fee.

The next oil and gas sale is scheduled for the week of Sept. 11. The last auction for the district was held in June under the Obama administration for 50,415 acres and generated \$54,340.

WHAT'S NEXT: BLM will hold the online auction on June 13.

To view online [click here](#).

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Sent: Tue 5/9/2017 9:46:24 AM
Subject: Morning Energy, presented by Trout Unlimited: Senate inching toward methane vote
Wednesday — White House Paris meeting postponed — Two FERC nominees formally announced

By Anthony Adragna | 05/09/2017 05:41 AM EDT

With help from Esther Whieldon and Alex Guillén

INCHING TOWARD METHANE VOTE: The Senate is closing in on a vote to nullify an Obama-era BLM rule targeting methane emissions from oil and gas operations on public lands Wednesday, but Republicans have not yet reached agreement on how best to mollify a small bloc inside their own caucus pushing for a waiver to sell 15 percent ethanol fuel year-round. "We're still discussing and having a good give and take," Sen. [John Thune](#), one of the holdouts, told ME. "We're just trying to get a pathway forward to deal with this issue at some point. We're making headway. The conversations have been productive." Sen. [John Cornyn](#) told reporters that leadership was still figuring out "how we can demonstrate good faith" to the members that the issue would be resolved, but four senior Republicans — Thune, [John Barrasso](#), [Jim Inhofe](#) and [John Hoeven](#) — all told ME to expect a final vote Wednesday.

One obstacle resolved: Backers of the Congressional Review Act resolution got a big boost late Monday when Sen. [Rob Portman](#) — a much-watched undecided member — announced he would support axing the regulation after receiving assurances from Interior Secretary Ryan Zinke that he will address the emissions. As Pro's Nick Juliano [reports](#), Zinke committed in a [letter](#) to review venting and flaring requirements for oil and gas operations, among other steps. Chris Saeger, director of the Western Values Project, condemned Portman's decision as "a shameless attempt to repay the oil and gas companies that funded his political career," claiming the Ohio Republican took \$670,802 from oil and gas interests in 2016.

Several other holdouts remained publicly coy about their intentions on Monday, but ME will be on the lookout for additional clarity on their positions following party lunches today. Among those still to watch are Sens. [Cory Gardner](#), [Dean Heller](#), [Heidi Heitkamp](#) and [Joe Manchin](#).

PARIS HUDDLE PUT OFF: A scheduled meeting today between senior advisers to President Donald Trump about the Paris climate agreement has been postponed, Pro's Andrew Restuccia [reports](#). What to do about the pact to curb emissions between 195 nations has deeply divided the Trump administration. Even with today's delayed confab, a decision on whether to stick it out or withdraw from deal is expected before Trump travels to the G-7 summit in Sicily at the end of the month. A White House spokeswoman confirmed that the meeting is being rescheduled.

Upping the international pressure: French President-elect Emmanuel Macron vowed to protect the Paris agreement in his first phone call with Trump Monday, his spokeswoman said [on CNN](#). "He told him he's going to try to protect what was made in Paris," Laurence Haim said "He is going to protect the climate agreement." But, ICYMI, POLITICO Europe's Kalina Oroschakoff and Sara Stefanini [report](#) the rest of the world is already preparing to forge ahead without U.S. leadership in the international climate space.

Schumer fears 'historic misstep': Senate Minority Leader Chuck Schumer warned the Trump administration Tuesday not to make the U.S. an "international pariah" by withdrawing from the Paris agreement and joining Syria and Nicaragua as the only countries not part of the pact. "It would damage our standing on the world stage and allow China to take the high moral high ground — and the economic upper hand — in combating climate change," he said on the Senate floor.

Meanwhile, top Obama-era environmental officials even made the unusual case that the agreement allowed the U.S. to weaken its emissions reduction pledges and that it didn't affect domestic policies in an effort to sway the the Trump team to stick with it, Pro's Eric Wolff reports. "Does the Paris agreement constrain the party from revising downward? There the answer is no," Sue Biniarz, a former top State Department lawyer, said. "The second issue is does the Paris agreement constrain the ability of a party with respect to its domestic measures? ... There again the answer is no."

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and Sanderson Strategies Group's Molly Moore correctly identified the oldest living former congressman, James D. Martin, as having served Alabama. For today: How many incumbent senators were born outside the U.S.? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

HOUSTON, WE HAVE SOME FERC PICKS: After months of waiting, Trump announced the nominations of Neil Chatterjee and Robert Powelson to slots on FERC (as long expected by ME readers). Chatterjee is Senate Majority Leader Mitch McConnell's energy policy adviser, where he's played a crucial role in shepherding major energy, highway, and farm legislation through Congress. Powelson, who has been a Pennsylvania utility regulator since 2009, became the president of the National Association of Regulatory Utility Commissioners last fall. FERC has, of course, been without a quorum since February, hindering its ability to enact final orders dealing with interstate natural gas pipeline projects and contested electricity rate plans. Look for Sen. Lisa Murkowski to move quickly on these nominations In the Energy and Natural Resources Committee. Pro's Darius Dixon has more here.

Scott Segal, director of the Electric Reliability Coordinating Council, added: "It is essential for FERC to regain its quorum, particularly in light of the President's twin objectives in building infrastructure and stimulating gas production and use. The two nominees announced tonight are ideal in many ways." But praise for the picks was not universal: Tyson Slocum, director of Public Citizen's energy program, told ME in a statement: "Despite industry pleas to quickly return the Commission to quorum, the Senate must accordingly not sacrifice deliberation and diligence for expediency."

**** A message from Trout Unlimited:** For over 50 years, Trout Unlimited has been dedicated to conserving, protecting and restoring North America's coldwater fisheries and watersheds on behalf of today's anglers and coming generations of sportsmen and women. Join us as we support America's public lands and national monuments: <http://bit.ly/2paVoYB> **

ANOTHER BUSY DAY IN UTAH: Interior Secretary Ryan Zinke took an aerial tour of the Bears Ears National Monument Monday morning and followed up with an afternoon hike through the contested monument. He later tweeted "there's more than two sides" to the debate. And he told local reporters : "Of course what I've seen should be preserved. The issue is whether the monument is the right vehicle. Whether it's not the right vehicle, it's public land." Good local coverage of his visit here, here and here.

As Zinke kicked off his listening tour, Oregon Sens. Jeff Merkley and Ron Wyden sent a letter to him detailing the public input process that led to the designation of the Cascade-Siskiyou National Monument and urging a similar process as Interior reviews that decision.

CALIFORNIA PUSHES BACK ON EPA REQUEST TO DELAY WAIVER CASE:

California Monday night urged a federal court not to put off oral arguments slated for May 18 over a Clean Air Act waiver that allows the state to go beyond the federal rules in regulating diesel engines on industrial vehicles like tractors and bulldozers. EPA on Monday asked to put off the case so it could review and potentially "reconsider" the waiver, which was granted in 2013. In a response filing, an alarmed California Air Resources Board said delaying the case would hurt the state "by perpetuating indefinitely the cloud of uncertainty this appeal has cast over its regulatory program since 2013." CARB said the court could potentially come to a decision without holding any oral arguments.

The bigger picture: This case could prove important if the Trump administration ever tries to go after a separate waiver giving California the authority to enact auto emissions limits that are stronger than the federal standards. The state says EPA doesn't have the authority to revoke a waiver once granted, particularly years after the fact.

JOHNSON SEEKS GAO INVESTIGATION OF ARPA-E FREEZE: Top House Science Democrat Eddie Bernice Johnson sent a letter Monday to GAO to probe whether the Energy Department is illegally withholding funding for projects under the agency's ARPA-E program, Pro's Darius Dixon reports. "I have serious concerns that the actions which have been reported to me at ARPA-E may constitute violations of the Impoundment Control Act," she wrote. "I would ask that you look into these allegations with all due haste, and take any actions you feel are necessary to ensure Executive compliance with Congressional direction."

CONCERN OVER SCIENCE ADVISER CUTS: A chorus of voices condemned EPA Administrator Scott Pruitt's decision not to bring back approximately a dozen people to an agency scientific advisory panel. "Without independence and sound peer review of the science conducted by the Agency, it will be impossible to distinguish between good science and bad science at the US EPA," John O'Grady, president of EPA's top union, said in a statement. American Association for the Advancement of Science CEO (and former New Jersey Democratic congressman) Rush Holt urged Pruitt to reconsider the decision and asked for a meeting with him to discuss their concerns. "Academic scientists play a critical role in informing policy with scientific research results at every level, including the federal government," Holt said.

HOT DOC: A memo obtained by ME from acting EPA Chief Financial Officer David Bloom

walking through the agency's budget and budget riders in the fiscal 2017 omnibus bill.

MORE CRITICISM OF PERRY'S GRID STUDY: Six environmental groups sent a [letter](#) Monday to Energy Secretary Rick Perry challenging his ongoing study of the electric grid's resilience for ignoring subsidies fossil fuel companies have received for years. "Instead of ordering the Department of Energy to produce arguments against clean energy, we ask you to commission a study into how polluter welfare continues to bias our grid in favor of dirty energy," they wrote.

GAO FINDS BLM SHOULD IMPROVE OIL AND GAS PERMIT OVERSIGHT: A GAO [report](#) out today recommends BLM improve the way its field office staff track and report their gas leasing and drilling permit site inspections, and that the agency should let the public know when they grant exceptions, like giving a developer a couple of additional days to drill. House Natural Resources Committee ranking Democrat [Raul Grijalva](#) of Arizona requested the GAO review the issue. BLM Acting Director Mike Nedd in a letter attached to the report said the agency plans to improve the tracking and data gathering process and he promised to make public any approved exceptions. But Nedd added that doing so will take time and the public will not be able to weigh in on such decisions as that would require changing the agency's regulations.

PAGING WHITEHOUSE: Hundreds of protesters will descend on the Trump Hotel this morning urging the administration to "wake up" — to borrow a phrase from Sen. [Sheldon Whitehouse](#)'s famous floor chart — to the need for action to address climate change. Organizers plan to ring a "startlingly loud alarm clock" to awaken hotel guests.

MANCHIN GETS AN OPPONENT: Clips from Sen. [Joe Manchin](#)'s infamous [2010 ad](#) shooting the cap and trade bill played in the background as Rep. [Evan Jenkins](#) announced his bid to unseat the Democratic incumbent. But there's hardly any discussion of EPA or coal issues in his [announcement video](#). "[W]ith Donald Trump in the White House we've got a real chance to turn things around. He needs our help and I need your help. West Virginia needs your help," Jenkins says. But he may not have the Republican field to himself: Attorney General Patrick Morrisey, known for his aggressive lawsuits fighting EPA regulations, is also mulling a bid.

TIME TO LEAD: A bipartisan group of senior retired military officers and national security officials sent letters Monday to Defense Secretary [James Mattis](#) and Secretary of State [Rex Tillerson](#) urging them to lead on addressing the security implications of climate change.

GREEN GROUP ENDORSES IN VIRGINIA GUBERNATORIAL: Food & Water Action Fund endorsed Tom Perriello in the Virginia governor's race Monday. "Perriello's bold stance against two fracked natural gas pipelines, the Atlantic Coast Pipeline and the Mountain Valley Pipeline, shows he will be ready to stand up against the oil and gas industry's stranglehold on the state," the group said in a statement.

EARTHJUSTICE HIRES LUNA+EISENLA: Earthjustice, the environmental law nonprofit, has hired LUNA+EISENLA media to do media outreach work on its efforts to combat the Trump administration's environmental and climate policies. "We are employing aggressive media relations and engaging with national political media to ensure President Trump's executive

orders attacking access to clean air and water while denying climate change don't go unchecked," the firm said in a statement (h/t POLITICO Influence).

HAPPY BIRTHDAY: Pruitt turns 49 today. EPA didn't respond to requests for how he's celebrating.

MOVER, SHAKER: Michael Walz has joined POET, the country's top ethanol producer, as director of public affairs and state government relations in Washington; he was previously vice president of public affairs for Captra Capital LLC and director of public affairs for InfraREIT Capital Partners LLC.

QUICK HITS

— Rep. Lamar Smith laid groundwork for Trump EPA science advisers ouster. [Austin American-Statesman](#).

— Rep. Debbie Dingell: Trump's EPA cuts a 'short-sighted' step backward. [Crain's Detroit Business](#).

— Murray Energy Lodges Defamation Suit Over NY Times Op-Ed. [Law360](#).

— U.S. vows commitment to Arctic climate change research. [Reuters](#).

— Pipeline spill by Dakota Access company could have a 'deadly effect'. [Washington Post](#).

— Board Member's Donation Shows Power Of Oil And Gas Industry. [International Business Times](#).

HAPPENING TODAY

9:30 a.m. — [Energy Efficiency Global Forum](#), Alliance to Save Energy, Walter E. Washington Convention Center, 801 Mount Vernon Place NW

1:00 p.m. — "[The Upcoming Aramco IPO: Strategy, Investment, Politics](#)," The Atlantic Council, 1030 15th ST NW, 12th Floor

2:00 p.m. — "[Water and Security in South and Southeast Asia](#)," Woodrow Wilson Center's Environmental Change and Security Program, Ronald Reagan Building, 1300 Pennsylvania Avenue NW, Sixth Floor

2:30 p.m. — "[Water Resources: The Role of the Public and Private Sectors](#)," Senate Environment and Public Works Committee, 406 Dirksen

THAT'S ALL FOR ME!

**** A message from Trout Unlimited:** For over 100 years the Antiquities Act has been a

bipartisan tool for conserving America's public lands and our outdoor heritage. Since the time President Theodore Roosevelt signed the Act into law, the Antiquities Act has provided for the long-term conservation of some of the best fish and wildlife habitat and hunting and angling opportunities in the country, spurring local economies. In these places, locally driven conservation efforts need to be preserved and celebrated. Currently, the Department of the Interior is reviewing national monuments designations. Secretary Zinke has strongly supported keeping America's public lands in public hands. Join us in showing him that we support upholding our national monuments: <http://bit.ly/2paVoYB> **

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/05/senate-inching-toward-methane-cra-vote-wednesday-022735>

Stories from POLITICO Pro

Portman to back resolution overturning BLM methane rule [Back](#)

By Nick Juliano | 05/08/2017 06:24 PM EDT

Sen. [Rob Portman](#) says he will vote to block a BLM rule limiting methane emissions from oil and gas drilling after receiving assurances from Interior Secretary Ryan Zinke that he will address the issue.

Portman was among the most-watched Republicans who had remained undecided on the Congressional Review Act resolution. Republicans must vote on the resolution this week if they are to avoid a Democratic filibuster. Sens. [John Hoeven](#) and [Jim Inhofe](#), key backers of the resolution, said a vote is set for Wednesday.

"I believe that the Interior Department should do more to prevent methane venting and flaring on federal lands. The Secretary of the Interior has made clear in a letter to me that the Department is committed to acting on this important issue going forward, and he has outlined specific actions it would take to do that," Portman said in a statement today.

Portman [wrote](#) to Zinke last week asking what the department could do to address wasted methane from oil and gas operations. Zinke [responded](#) a few days later and committed to review venting and flaring requirements, among other steps.

While Portman's support gets Republicans closer to the 50 votes they need to overturn the methane rule, a few corn-state senators said they are still hoping to secure concessions that would make it easier to sell 15 percent ethanol blends before they agree to support the methane resolution. "Nothing more has happened" on that front, Sen. [Chuck Grassley](#) said today.

Anthony Adragna contributed to this report.

To view online [click here](#).

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White House advisers postpone Paris climate deal meeting [Back](#)

By Andrew Restuccia | 05/08/2017 10:32 PM EDT

A key meeting of White House advisers to discuss the Paris climate change agreement won't happen Tuesday as planned.

A source familiar with the issue told POLITICO late Monday night that the meeting has been postponed. A White House spokeswoman confirmed that the meeting is being rescheduled.

It's unclear when that will occur.

It is the [second time](#) that a key meeting to discuss the Paris agreement has been delayed.

Trump's advisers remain divided over the accord, which won the backing of 195 nations in 2015. The president is expected to make a final decision on whether to withdraw sometime this month, perhaps as soon as this week.

European countries and other U.S. allies are [strongly encouraging](#) the U.S. to remain in the agreement, and Trump's daughter Ivanka Trump is also said to support staying, along with others such as Secretary of State Rex Tillerson. But senior White House adviser Steve Bannon and Environmental Protection Agency chief Scott Pruitt have called for the U.S. to withdraw, as Trump had promised during the presidential campaign.

To view online [click here](#).

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Obama team makes last ditch Paris climate deal plea [Back](#)

By Eric Wolff | 05/08/2017 04:19 PM EDT

Former President Barack Obama's top environmental advisers John Podesta and Brian Deese issued a plea today to the Trump administration to not withdraw the U.S. from the Paris climate agreement.

Podesta and Deese, were joined by Sue Biniarz, a former top State Department lawyer, and Mindy Lubber, president of Ceres, a sustainability nonprofit group, in arguing that leaving the Paris agreement would hurt the U.S. economy.

"Right now across the globe, the race is on for which countries are going to be the 21st century clean energy super powers, and the question is whether the U.S. will continue to play in that race

or step off the field," Deese said on the call with reporters.

Biniarz also challenged the concerns of White House counsel Don McGahn and EPA Administrator Scott Pruitt that remaining in the Paris agreement could create a legal problem for Trump's plans to repeal the Clean Power Plan. And sources have said that McGahn also argued that the 2015 agreement may not allow the U.S. to reduce its international carbon reduction pledge.

"Does the Paris agreement constrain the party from revising downward? There the answer is no," Biniarz said. "The second issue is does the Paris agreement constrain the ability of a party with respect to its domestic measures? ... There again the answer is no."

WHAT'S NEXT: Trump's top advisers are expected to meet tomorrow to discuss whether the U.S. should remain in the pact.

To view online [click here](#).

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Trump expected to tap Pennsylvania regulator for third FERC seat [Back](#)

By Darius Dixon | 03/09/2017 01:52 PM EDT

President Donald Trump is expected to pick Robert Powelson, a Pennsylvania utility regulator, for the third Republican seat at FERC, according a source familiar with the discussions.

Powelson has been on the state's utility commission since 2009 and served four years as its chairman. He has stayed at the agency as a commissioner, and became the president of the National Association of Regulatory Utility Commissioners last fall.

Powelson would be joining two other Republican nominees that sources say the White House intends to nominate soon: Kevin McIntyre, who co-leads Jones Day's energy practice, and Neil Chatterjee, a senior energy adviser to Senate Majority Leader Mitch McConnell.

The new members would, if confirmed by the Senate, reestablish the GOP's majority on the commission and restore the agency's quorum.

There had been conflicting information about whether the spot was expected to go for Powelson or Wisconsin regulator Ellen Nowak, who was seen as getting support from White House Chief of Staff Reince Priebus. A senior Senate aide separately said today that Nowak would not be the FERC pick.

FERC leadership has been operating with just two sitting members for more than a month since Norman Bay resigned the chairmanship after Trump elevated Cheryl LaFleur to that position.

The White House did not immediately respond to a request for comment.

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Trump picks 2 for Federal Energy Regulatory Commission [Back](#)

By Darius Dixon | 05/08/2017 10:11 PM EDT

President Donald Trump on Monday announced he planned to appoint Neil Chatterjee and Rob Powelson to fill two of the three vacancies in the FERC leadership, according to an official White House statement.

Chatterjee, a senior energy adviser to Senate Majority Leader Mitch McConnell, and Powelson, a Pennsylvania regulator, would take positions that expire in 2021 and 2020, respectively. POLITICO [has reported](#) that both were expected to be tapped for the Federal Energy Regulatory Commission.

The new Republican members would, if confirmed by the Senate, restore the agency's quorum.

FERC has been operating with just two sitting commissioners for more than two months, since Norman Bay resigned the chairmanship after Trump elevated Cheryl LaFleur to that position. While staff can address most of the agency's business, the absence of a quorum hinders FERC's ability to enact final orders dealing with interstate natural gas pipeline projects and contested electricity rate plans.

POLITICO has also reported that Kevin McIntyre, who co-leads Jones Day's global energy practice, is expected to fill the third FERC vacancy. Some sources have suggested that he may be in line for the chairmanship.

In recent months, [members of Congress](#) and more than a [dozen industry groups](#) have pressed the administration to appoint new members.

Senate Energy and Natural Resources Chairwoman Lisa Murkowski has vowed to prioritize moving new FERC nominees through her committee, although the full confirmation process could easily take several weeks to complete.

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EPA seeks delay of California waiver suit [Back](#)

By Alex Guillén | 05/08/2017 11:44 AM EDT

The Trump administration has asked a federal court to postpone arguments in a case over EPA's 2013 approval of a Clean Air Act waiver allowing California to set stricter emissions limits for diesel engines.

In its [filing](#) in the 9th Circuit Court of Appeals Friday, EPA says the new Trump administration needs more time to review the waiver and "determine whether it will be reconsidered."

If EPA does reconsider and revoke that waiver, it could lead to a challenge of the agency's authority on that issue. California receives special treatment under the Clean Air Act to set stricter limits because of its history of high pollution levels, if EPA grants a waiver. However, the state and environmental groups argue the law does not specify that EPA has the authority to revoke a waiver once granted.

The lawsuit playing out in the 9th Circuit is over a waiver to set stricter particulate matter and oxides of nitrogen limits for "non-road" diesel engines on vehicles like forklifts and bulldozers. Various challengers, represented by the Texas Public Policy Foundation, say the limits aren't needed on a statewide level and should have been approved on a more local basis.

The Trump administration has also [indicated](#) it may decide to go after a similar waiver granted during the Obama administration to California to enforce stricter auto emissions standards than the federal limits.

EPA said the California Air Resources Board, which got involved to help defend the waiver, opposes delaying arguments.

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House Democrat asks GAO to probe DOE's ARPA-E funding [Back](#)

By Darius Dixon | 05/08/2017 05:44 PM EDT

The top Democrat on the House Science Committee today asked the GAO to probe whether the Energy Department is illegally withholding funding for projects under the agency's ARPA-E program.

"I have serious concerns that the actions which have been reported to me at ARPA-E may constitute violations of the Impoundment Control Act," Rep. [Eddie Bernice Johnson](#) said in a [letter](#) to GAO Director Gene Dodaro. "I would ask that you look into these allegations with all due haste, and take any actions you feel are necessary to ensure Executive compliance with Congressional direction."

Sources told POLITICO last month that the agency was withholding money on grants already approved under ARPA-E, which selects technology projects and awards funding as those ventures meet development milestones. But those sources said even projects that received initial ARPA-E backing were having their money withheld regardless of whether they met their milestones because of a "procurement hold" or "no contract action."

Johnson said more than \$100 million in fiscal 2017 funds have been appropriated to ARPA-E. The spending bill that averted a government shutdown last week also included a budget increase for ARPA-E through the remainder of 2017.

"[T]he courts have declared that agencies may not attempt to thwart the intent of Congress by withholding or impounding funds intended for a specific purpose. If the Department of Energy has subjected ARPA-E to a 'no contract action' which has this effect, the Department could be in violation of the law," Johnson wrote.

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Pruitt to seek new EPA scientific advisers [Back](#)

By Annie Snider | 05/04/2017 04:32 PM EDT

EPA Administrator Scott Pruitt is reopening the nomination process for outside scientific counselors to advise the agency on research and development, according to internal agency emails obtained by POLITICO.

In an email to staffers yesterday, Office of Policy chief Samantha Dravis said Pruitt would not be moving forward at this time with the reappointment of nine members of the [Board of Scientific Counselors](#) whose terms expired last week, and that political leaders "would like to re-open the nominations process." The board is a federal advisory committee currently made up of 18 members that provides advice and recommendations to EPA's Office of Research and Development. It has tackled issues ranging from methods for evaluating lead exposure to wildfire smoke risks in recent years.

The move comes as congressional Republicans have been pushing to alter the process by which science is overseen and used to inform regulations at EPA — changes that GOP lawmakers say would promote fairness and transparency, but that environmental groups argue would give more influence to industry.

EPA political leaders also opted to withdraw the agency program from consideration for a Harvard University Kennedy School of Government award. According to the emails, the [Federal Community of Practice on Crowdsourcing and Citizen Science](#), a program co-chaired by EPA to help government agencies with citizen science initiatives, is a finalist for the Innovations in American Government Awards. Pruitt needed to sign a form in order for the program to move

forward in the competition, but Dravis informed staffers yesterday that "the Administrator will not be moving forward at this time" with the award.

Last week, EPA said it removed "outdated language" referring to Obama-era programs that President Donald Trump has targeted for elimination, including virtually all mentions of climate change.

To view online [click here](#).

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By Andrew Restuccia

05/08/2017 09:43 PM EDT

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Trump's advisers remain divided over the accord, which won the backing of 195 nations in 2015. The president is expected to make a final decision on whether to withdraw sometime this month, perhaps as soon as this week.

European countries and other U.S. allies are strongly encouraging the U.S. to remain in the agreement.

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This email was sent by: **POLITICO, LLC**
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 5/9/2017 1:04:14 AM
Subject: Trump to nominate Chatterjee, Powelson to FERC

By Darius Dixon

05/08/2017 08:47 PM EDT

President Donald Trump tonight announced he planned to appoint Neil Chatterjee and Rob Powelson to fill two of the three vacancies in the FERC leadership, according to an official White House statement.

Chatterjee, a senior energy adviser to Senate Majority Leader Mitch McConnell, and Powelson, a Pennsylvania regulator, would take positions that expire in 2021 and 2020, respectively. POLITICO has reported that both were expected to be tapped for the FERC.

The new Republican members would, if confirmed by the Senate, restore the agency's quorum.

FERC has been operating with just two sitting commissioners for more than two months, since Norman Bay resigned the chairmanship after Trump elevated Cheryl LaFleur to that position. While staff can address most of the agency's business, the absence of a quorum hinders FERC's ability to enact final orders dealing with interstate natural gas pipeline projects and contested electricity rate plans.

POLITICO has also reported that Kevin McIntyre, who co-leads Jones Day's global energy practice, is expected to fill the third FERC vacancy. Some sources have suggested that he may be in line for the chairmanship.

In recent months, members of Congress and more than a dozen industry groups have pressed the administration to appoint new members.

WHAT'S NEXT: Senate Energy and Natural Resources Chairwoman Lisa Murkowski has vowed to prioritize moving new FERC nominees through her committee, although the full confirmation process could easily take several weeks to complete.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/05/trump-to-nominate-chatterjee-powelson-to-ferc-087424>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Mon 5/8/2017 10:34:20 PM
Subject: Portman to back resolution overturning BLM methane rule

By Nick Juliano

05/08/2017 06:24 PM EDT

Sen. Rob Portman says he will vote to block a BLM rule limiting methane emissions from oil and gas drilling after receiving assurances from Interior Secretary Ryan Zinke that he will address the issue.

Portman was among the most-watched Republicans who had remained undecided on the Congressional Review Act resolution. Republicans must vote on the resolution this week if they are to avoid a Democratic filibuster. Sens. John Hoeven and Jim Inhofe, key backers of the resolution, said a vote is set for Wednesday.

"I believe that the Interior Department should do more to prevent methane venting and flaring on federal lands. The Secretary of the Interior has made clear in a letter to me that the Department is committed to acting on this important issue going forward, and he has outlined specific actions it would take to do that," Portman said in a statement today.

Portman wrote to Zinke last week asking what the department could do to address wasted methane from oil and gas operations. Zinke responded a few days later and committed to review venting and flaring requirements, among other steps.

While Portman's support gets Republicans closer to the 50 votes they need to overturn the methane rule, a few corn-state senators said they are still hoping to secure concessions that would make it easier to sell 15 percent ethanol blends before they agree to support the methane resolution. "Nothing more has happened" on that front, Sen. Chuck Grassley said today.

Anthony Adragna contributed to this report.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/05/portman-to-back-resolution-overturning-blm-methane-rule-087423>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Fri 5/5/2017 5:44:59 PM
Subject: Trump administration shrugs off foreign countries' climate questions

By Eric Wolff

05/05/2017 01:30 PM EDT

The Trump administration ducked questions on its climate policies posed by foreign countries under a United Nations questioning process.

The EU, China, the United Kingdom and Brazil asked the U.S. how it plans to meet its carbon reduction targets under the Paris agreement now that former President Barack Obama's climate action plan has been rescinded and the Clean Power plan is likely to be rolled back.

The Trump administration provided the same answer each time: "The U.S. notes that is reviewing existing policies and regulations in the context of a focus on strengthening U.S. economic growth and promoting jobs for American workers, and will not support policies or regulations that have adverse effects on energy independence and U.S. competitiveness."

The Trump administration is still weighing whether to remain a part of the Paris climate agreement and roll back the emissions reduction target pledged by the Obama administration.

WHAT'S NEXT: The White House is expected to hold a meeting on Tuesday on whether to stay in the Paris deal, and an announcement could come next week.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/05/trump-administration-shrugs-off-foreign-countries-climate-questions-087344>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 5/4/2017 4:12:26 PM
Subject: Gingrich: Electromagnetic pulse attack would be 'catastrophic'

By Darius Dixon

05/04/2017 11:56 AM EDT

Former House Speaker Newt Gingrich pressed lawmakers today to give urgent attention to the potentially crippling impacts of an electromagnetic pulse attack on the electric grid.

"Congress should look at EMP attacks as one of the three great threats to our survival — the others would be cyberwarfare and nuclear weapons — and it should regard all three as catastrophic," he told the Senate Energy and Natural Resources Committee. "For us to survive as a civilization we have to be able to defeat all three."

Several agencies, including the departments of Energy and Homeland Security, are reviewing EMP threats and the issue frequently comes up in Congress.

An EMP attack would be "vastly bigger than 9-11," Gingrich said, and DOE and DHS need to conduct "vigorous" wargames designed to find nodes needing protection.

Acting FERC Chairwoman Cheryl LaFleur said there are technologies available to protect some grid equipment against EMPs.

"The difficulty on the electric grid is knowing where you would deploy the technology to best protect the grid in an effective way. Because when we're going to mandate a standard for thousands of transmission owners we want to make sure it's going to work," she said.

She also voiced confidence that NERC, the grid standard-writing industry group, would develop an EMP regulation if FERC instructed them to.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/05/gingrich-electromagnetic-pulse-attack-catastrophic-for-survival-087274>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro
Sent: Thur 5/4/2017 4:09:47 PM
Subject: Pennsylvania biodiesel company, executives indicted for fraud

By Eric Wolff

05/04/2017 11:47 AM EDT

A grand jury indicted a biodiesel producer and two of its executives for conspiracy and false statements for a scheme that generated more than \$10 million in biofuels credits under the Renewable Fuel Standard, the DOJ said today.

Pennsylvania Biofuels, Inc. and its co-owners Ben Wootton and Race Miner are accused of producing and selling "off-spec" biodiesel and fraudulently claiming more than \$10 million in RIN credits, DOJ said.

The two allegedly manipulated fuels samples sent to laboratories for testing as part of the scheme and created bogus documentation.

The case marks the 15th time EPA and federal investigators have announced accusations against biodiesel makers of fraud. There have been no cases of ethanol fraud, however oil refiners, who bear the obligation for complying with the program, depend on credits from biodiesel to prove compliance with the RFS.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/05/feds-indict-two-in-biodiesel-credits-fraud-087270>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy
Sent: Thur 5/4/2017 9:46:23 AM
Subject: Morning Energy: Pruitt considering Senate-sought ethanol waiver — High stakes over nuclear tax credits — Janet McCabe lands new gig

By Anthony Adragna | 05/04/2017 05:42 AM EDT

With help from Eric Wolff, Alex Guillén and Anca Gurzu

PATH FORWARD ON ETHANOL, METHANE? EPA Administrator Scott Pruitt may have opened a path for Senate Republicans to appease a small bloc of their caucus seeking a year-round waiver to sell 15 percent ethanol fuel and thereby boost the chamber's odds of repealing of an Obama-era methane regulation, Pro's Eric Wolff [reports](#). "I very much hope we can get there, but it's a matter of whether the statute permits it or not," Pruitt told the National Association of Farm Broadcasting. There has been dispute within the agency and even among biofuels advocates over whether the law allows EPA to grant such a waiver, or if Congress must alter the Clean Air Act. But the promise of doing so might get the bloc of corn-state Republicans, led by [Chuck Grassley](#), on board with using a Congressional Review Act resolution to nullify a BLM rule targeting methane emissions from oil and gas drilling on public lands. It's worth noting that another group of four undecided senators — [Rob Portman](#), [Cory Gardner](#), [Heidi Heitkamp](#) and [Dean Heller](#) — would likely not be won over on that alone.

Cornyn projects CRA confidence: But Senate Majority Whip [John Cornyn](#) voiced optimism the chamber would vote on the measure next week and said he'd locked down adequate support to ensure its passage. "I know there are some people who wanted this ethanol vapor thing in the omnibus and that wasn't included, but I'm optimistic we'll get the vote" on methane, the Texas Republican told ME. [John Thune](#), one of the CRA holdouts pushing the ethanol waiver, said the issue remained active: "We don't have any resolution on it yet."

That comes as 12 prominent conservatives, including the American Energy Alliance's Thomas Pyle and the Competitive Enterprise Institute's Myron Ebell, sent senators [a letter](#) urging them to back the CRA effort. "Some Senators have voiced concerns that CRA method precludes future regulations. This concern is misplaced," they wrote. "Regardless of your position on the regulation, it is clear that the BLM is far afield from its jurisdiction."

NUCLEAR WARNING: Failure by Congress to extend a tax credit expiring at the end of the decade for nuclear plants may force utilities building new reactors in Georgia and South Carolina to rethink those projects, Pro's Darius Dixon [reports](#). At issue is a nuclear production tax credit that the industry [estimates](#) would be worth as much as \$6 billion over eight years. The credit is only available for reactors that come online before the end of 2020. "The most obvious thing the U.S. government can do is to lend support to extend the timeframe on the production tax credit," Southern Company CEO Tom Fanning told investors on a quarterly earnings call Wednesday. The bankruptcy of contractor Westinghouse, which designed the new AP1000 reactors being installed, is expected to push the completion of the Georgia and South Carolina projects beyond when the credit is currently slated to expire.

South Carolina Sen. [Lindsey Graham](#) is now looking at other avenues to extend the credit after a push to get it onto the omnibus government spending package came up short (causing the South Carolina senator to briefly threaten a shutdown). "I'm not going to sit on the sidelines and watch the nuclear industry be destroyed," Graham said Wednesday. "For three years, we've been trying to get these tax credits extended. ... The [four] reactors that are being built are very much at risk."

WELCOME TO THURSDAY! I'm your host Anthony Adragna, and Glover Park Group's Hayley Moller was first up to pick Walter Johnson as the MLB Hall-of-Famer turned MoCo politician. For today: Who is the only senator with star on the Hollywood Walk of Fame? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#), and [@POLITICOPro](#).

GUIDE TO FEDERAL BUDGET & APPROPRIATIONS PROCESS: The federal budget process is complicated; brush up on your knowledge so you're ready to act as the budget winds its way through Congress. [Download your guide](#).

FOR YOUR RADAR: Playbook co-authors Anna Palmer and Jake Sherman [discuss](#) the 115th Congress' agenda with Sen. [Joe Manchin](#) today at 9 a.m. ME will keep an ear out for energy discussion.

LEWANDOWSKI FIRM SIGNS CITGO: The firm of Corey Lewandowski, President Donald Trump's original campaign manager, quietly formalized a \$25,000-a-month lobbying contract with Citgo, the oil company owned by the leftist government of Venezuela, POLITICO's Kenneth P. Vogel [reports](#). The signing comes as the company was becoming increasingly embroiled in tensions between the United States, Venezuela and Russia. Sources familiar with the contract say the firm was brought on by Citgo to help provide access to the Trump administration amid calls for the U.S. to seize the company's assets as a way to expand the impact of sanctions against Venezuela.

ICYMI: The House [passed the \\$1 trillion omnibus](#) spending bill by a 309-118 vote. It now heads to the Senate where it's expected to be cleared and signed by Trump before a Friday deadline.

SOMETHING FOR RED STATERS: Senate Democrats facing tough reelection battles in states won by Trump are notching marketable accomplishments in the GOP-controlled Senate, POLITICO's Elana Schor [reports](#). Led by West Virginia Sen. [Joe Manchin](#), the purple- and red-state Dems took credit repeatedly this week for securing a permanent extension of health benefits for coal miners in the government funding bill. "Ultimately, it was bipartisan, but for a long time it was Democrats carrying the ball," Sen. [Bob Casey](#) said. And their most popular dance partner is Ohio GOP Sen. [Rob Portman](#), who has worked with Sen. [Heidi Heitkamp](#) on a regulatory reform plan and is courting more Democratic support.

COLLINS, CARDIN WANT TO STAY IN PARIS: Add Republican Sen. [Susan Collins](#) to the list of those hoping the Trump administration sticks with the Paris agreement on climate change. "We encourage your active engagement in the Paris Agreement and the United Nations Framework Convention on Climate Change to maintain a robust commitment to climate

diplomacy," she wrote in a letter with Foreign Relations Ranking Democrat Ben Cardin Wednesday.

PRUITT ON THE HILL: Pruitt flooded the Hill for meetings Wednesday with key House and Senate lawmakers. Details were scarce on the confabs, but Pruitt's meetings included Energy and Commerce Chairman Greg Walden, E&C Environment Subcommittee Chairman John Shimkus, top EPA appropriator Ken Calvert, Mike Conaway and Richard Hudson, among others. ME spotted Pruitt walking quickly in the direction of Senate Majority Leader Mitch McConnell's office around 4:30 p.m. ahead of a meeting. Other Senate stops included EPW Chairman John Barrasso and Democratic Sen. Heidi Heitkamp.

ME FIRST — REFINERS, USW BAND TOGETHER FOR NEW RFS GROUP: Add "Fueling American Jobs" to your roster of groups fighting over changing which companies must comply with the Renewable Fuel Standard. The new umbrella group backing the change brings together the United Steelworkers union with Valero and several Philadelphia-area refining companies, Monroe Energy, Philadelphia Energy Solutions and PBF Energy. The steelworkers will be swarming the Hill today to make their case, highlighting possible independent refiner layoffs if a change isn't made. "Steelworkers have been supportive of moving the point of obligation," Roy Houseman, legislative representative for USW, told ME. "We have 30,000 members in refining sector, they are impacted by the RFS."

The missing link: The group notably does not include Carl Icahn's CVR, which has been forcefully advocating for the change. Icahn is a longtime Trump associate and holds a title in the White House. Icahn's position raises ethical questions, and the new group may be trying to avoid being controversial.

McCABE LANDS AT CHICAGO-BASED GREEN GROUP: Janet McCabe, the Obama-era acting EPA air chief who helped mastermind the Clean Power Plan and oversaw various other key regulations, will join the Chicago-based Environmental Law & Policy Center as a senior law fellow, she confirmed to ME. In an email to the ELPC staff yesterday, executive director Howard Learner notes McCabe will work part-time from her native Indianapolis starting May 15. Learner added: "These are extraordinary times, and we are adding top-rate talent to keep building ELPC's 'top of our game' team to play both winning offense and defense. The best defense is a good offense. I am excited to be working together with Janet McCabe to play to win in the changed political circumstances."

ANOTHER BIPARTISAN CLIMATE BILL! Seven House Democrats and seven Republicans, led by Reps. John Delaney (D-Md.) and John Faso (R-N.Y.), introduced legislation Wednesday calling for the creation of a National Climate Solutions Commission that would undertake a comprehensive review of economically viable public and private actions or policies to reduce greenhouse gas emissions and present its recommendations to the White House within 18 months.

ZINKE MEETS WITH UTE INDIAN TRIBE: Interior Secretary Ryan Zinke on Wednesday held what the agency said was "the first of many conversations" with the leaders of the Ute Indian Tribe of the Uintah Ouray. Among the topics of conversation were energy development,

the nature of sovereignty, public lands and the Bears Ears National Monument (which Zinke tours next week). The meeting comes as Escalante & Boulder Utah Chamber of Commerce released [a memo](#) asking Zinke to meet and visit with them as he reviews existing national monument designations.

REPORT: LOW MARKS FOR ZINKE'S FIRST 100: Public Citizen released [a report](#) this morning arguing Zinke's first 100 days "have fundamentally altered the agency's initiatives to address climate change and responsibly manage the nation's public lands."

REPORT: BACKDOOR ACCESS TO UN CLIMATE TALKS: Fossil fuel trade associations are stalking the halls of the U.N. climate talks to undermine, weaken and block progress, according to a [recent report](#) released by civil society group Corporate Accountability International. According to the report, the European culprits are FuelsEurope, the association representing the European petroleum refining industry. The report comes as governments prepare to meet in Bonn, Germany to continue technical climate negotiations, where officials are also expected to discuss the notion of "conflict of interest" for the first time. "Right now hundreds of business trade associations have access to the climate talks, and many of them are funded by some of the world's biggest polluters and climate change deniers," Tamar Lawrence-Samuel, CAI's international policy director, said in a statement. "With so many arsonists in the fire department, it's no wonder we've failed to put the fire out."

GROUP URGES 'BOLD' BRITISH ENVIRONMENTALISM: Britain's liberal conservative think tank Bright Blue urged Prime Minister Theresa May to "look to the center, not to the right" and propose ambitious environmental policies to appeal to liberal voters in [a manifesto](#) released Thursday, POLITICO Europe's Marion Solletty [reports](#).

MOVER, SHAKER: Wes Brooks is joining Sen. [Marco Rubio](#)'s office as a legislative assistant for energy, environment, agriculture and trade issues; he previously handled a similar portfolio of issues for Rep. [Brian Mast](#).

QUICK HITS

— Detailed look at the global warming 'hiatus' again confirms that humans are changing the climate. [Los Angeles Times](#).

— FirstEnergy hoping Department of Energy study results in help for its Ohio nuclear power plants. [News-Herald](#).

— VW resumes U.S. diesel sales after emissions scandal. [Reuters](#).

— Exxon Mobil's outdated equipment and procedures led to Torrance explosion, agency says. [Los Angeles Times](#).

— Climate Change Is Causing More Sweltering Summer Days. [The Atlantic](#).

— Solar backers support measure to carry out Florida voters-approved tax break. [Orlando](#)

Sentinel.

HAPPENING TODAY

10:00 a.m. — Senate Energy and Natural Resources Committee hearing on energy infrastructure, 366 Dirksen

11:00 a.m. — USEA Annual Membership & Public Policy Forum, United States Energy Association, National Press Club Ballroom, 529 14th Street, NW

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To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/05/pruitt-considering-senate-sought-ethanol-waiver-022665>

Stories from POLITICO Pro

Pruitt: EPA considering expanding E15 sales Back

By Eric Wolff | 05/03/2017 05:13 PM EDT

EPA is considering granting a year-round waiver to sell 15 percent ethanol fuel, Administrator Scott Pruitt said Wednesday, just one day after two farm-state senators said they might hold up repeal of an Obama regulation unless they got restrictions on the corn-based fuel eased.

"We are looking at that internally, to allow E15 to be sold throughout the year," Pruitt told the National Association of Farm Broadcasting. "A national waiver, if you will. There is a statutory analysis that's ongoing and we're hopefully going to conclude that process very soon. I very much hope we can get there, but it's a matter of whether the statute permits it or not."

The Clean Air Act prevents retailers in some parts of the country from selling E15 fuel during the summer. Ethanol producers and trade associations have been asking EPA to grant a waiver to allow year-round sale of E15, which they believe would help increase sales of ethanol and relieve pressure on the Renewable Fuel Standard. Oil refiners generally oppose the move.

There has been dispute within the agency and even among biofuels advocates over whether the law allows EPA to grant such a waiver, or if Congress must alter the Clean Air Act.

On Tuesday, Sens. Chuck Grassley (R-Iowa) and John Thune (R-S.D.) threatened to block a resolution to overturn an Obama-era methane rule unless Congress would allow the sale of 15 percent ethanol fuel blends year-round.

Meanwhile, ethanol groups are hopeful they will get the E15 policy changed.

"We are optimistic that under Administrator Pruitt's leadership, EPA will take action to eliminate

this needless obstacle to growth in the ethanol and agriculture industries," Geoff Cooper, senior vice president for the Renewable Fuels Association, an ethanol producers trade group, said in a statement.

Pruitt also said EPA is on track to publish final Renewable Fuel Standard volume mandates by the November deadline, and that his agency is still reviewing comments on whether to change which companies are obliged to comply with the program.

WHAT'S NEXT: If EPA decides to grant the waiver, it will likely issue a proposed decision.

To view online [click here](#).

[Back](#)

Nuke utilities warn failure to extend tax credit could upend new reactors [Back](#)

By Darius Dixon | 05/03/2017 06:31 PM EDT

Utilities building new nuclear reactors in Georgia and South Carolina say they will have to rethink those projects if Congress does not extend tax credits they had been counting on.

The nuclear projects, already suffering delays, were on track to be finished just before those tax credits would expire, and now they are expected to fall further behind because of the bankruptcy of contractor Westinghouse, which designed the new reactors being installed. The tax credit does not expire until the end of the decade, and South Carolina lawmakers failed to get it included in an omnibus spending bill expected to pass this week. But nuclear proponents say quick action would go a long way to help the new reactors come online.

"The most obvious thing the U.S. government can do is to lend support to extend the timeframe on the production tax credit," Southern Company CEO Tom Fanning told investors on a quarterly earnings call Wednesday.

Southern subsidiary Georgia Power and its partners are evaluating whether to change course on its two-reactor Vogtle nuclear expansion project in the wake of Westinghouse's bankruptcy, and Fanning said reworking the tax credit would be "central" to how it proceeds.

A similar evaluation is underway at South Carolina-based SCANA Corp., which is building two Westinghouse-designed AP1000 reactors at its V.C. Summer Nuclear Station. SCANA Executive Vice President and CFO Jimmy Addison told investors last week that the future of the nuclear tax credit was one of three "critically important" variables that will determine the future of the project.

Both Southern and SCANA had recently expected to bring a Vogtle and Summer reactor online in 2019 and 2020. Those projects have already faced numerous delays, and any additional slippage in the schedule may mean they won't come online in time to claim the tax credits

investors had assumed would be there.

At issue is a nuclear production tax credit that the industry estimates would be worth as much as \$6 billion over eight years. The credit is only available for reactors that come online before 2020.

Over the past week, a bipartisan group of lawmakers had been trying to move a package of tax extenders that would have included removing the in-service deadline for new nuclear reactors, but they have struggled to gain traction.

South Carolina Sen. Lindsey Graham briefly threatened to hold up the omnibus spending package Congress is set to pass this week in an effort to get the nuclear incentive included in the bill, but he and other nuclear advocates are now looking for other avenues.

"I'm not going to sit on the sidelines and watch the nuclear industry be destroyed," Graham said Wednesday. "For three years, we've been trying to get these tax credits extended. ... The [four] reactors that are being built are very much at risk."

Graham's Palmetto State colleague Sen. Tim Scott, who introduced legislation seeking to make changes to the credits, is already eyeing the next ride.

"We are hopeful that as we look forward to a tax package or another vehicle that seems to have the possibility of passing, that we will have this conversation in earnest again," he told POLITICO.

At the moment, Southern has an interim agreement with Westinghouse that has kept the project moving and thousands of workers on site, Fanning said.

That agreement runs through May 12, and Fanning said that Georgia Power and its Vogtle project partners are negotiating a broader "transition" plan with Westinghouse that will move the project to a new contractor, including Southern taking over as general construction contractor. He also emphasized that Westinghouse parent company Toshiba is still on the hook to spend at least \$3.7 billion for Vogtle and maintain commitments regarding intellectual property.

Fanning said the partners will send an assessment to state regulators outlining their options "within the next month or two." That could include three possible paths: full steam ahead on both reactors, continue with just one unit or walk away from the whole thing.

"If it looks likely that the best thing for customers is to not complete these plants, I think at that point you might take a completely different posture on site," he said. "So long as it is viable for us to complete the plant, it is absolutely important for us to not only maintain, but improve productivity on the site. ... [If we] were to start sending people home, the chances of us getting those people back on site would be awfully difficult."

SCANA's Addison said the future of its reactors would depend on confirming the project's existing cost estimates, recouping what it is owed by Westinghouse and extending the tax credits.

"And all three of those are in the billions of dollars. So they're all critically important," he told investors last week. "And we have impressed upon everyone that has a vested interest in South Carolina and in nuclear in America that'll listen to us, that the timeliness of this is very, very important to this evaluation."

To view online [click here](#).

[Back](#)

Lewandowski's firm quietly inked Citgo deal [Back](#)

By Kenneth P. Vogel | 05/03/2017 10:21 PM EDT

A firm co-founded by Donald Trump's initial campaign manager, Corey Lewandowski, quietly agreed to lobby for the oil company Citgo as the company, which is owned by the leftist government of Venezuela, was becoming increasingly embroiled in tensions involving the United States, Venezuela and Russia.

Officials with Lewandowski's firm, Avenue Strategies, confirmed that last month it formalized a \$25,000-a-month lobbying contract with Citgo.

The officials initially told POLITICO that the firm had filed legally required paperwork revealing the contract to the U.S. government on Feb. 20. But Lewandowski's co-founder in the firm, fellow Trump campaign aide Barry Bennett, subsequently clarified that it "was just an origination date," and the firm was working to file the paperwork Wednesday.

As of Wednesday evening, that paperwork was not posted on the website of the Senate Office of Public Records, which processes and automatically posts such filings almost instantaneously.

Bennett said Avenue has yet to begin lobbying for Citgo and that "it's not entirely clear" on what issues it will lobby. He stressed, though, that he will be the only firm employee who registers to lobby on the contract, and that Lewandowski "doesn't really have a role" in it.

Sources familiar with the contract say that Avenue Strategies was brought on by Citgo to help provide access to the Trump administration amid calls for the U.S. to seize the company's assets as a way to expand the impact of sanctions against Venezuela.

But the revelation of Avenue's previously unreported contract with Citgo comes at an awkward moment for the company, Lewandowski and the Trump White House.

Trump ran on a promise to "drain the swamp" of special interest influence in Washington, and the increasing attention on the lobbying firm co-founded [soon after the election](#) by Lewandowski, who remains a close Trump confidant, threatens to undermine the president's efforts to make the case he's fulfilling that promise.

On Wednesday, the government-ethics watchdog group Public Citizen sent a letter to the Department of Justice and congressional lobbying oversight offices requesting investigations into whether Lewandowski was violating lobbying laws by not registering as a lobbyist, based on a POLITICO report about a newer company created by Avenue Strategies that appeared to be offering prospective clients meetings with Trump and Vice President Mike Pence.

Bennett called the letter a baseless and partisan "witch hunt."

But Bennett also acknowledged that Avenue Strategies on Wednesday dissolved the newer company, which was called Washington East West Political Strategies.

The company had distributed pitch materials to prospective Eastern European clients promising to arrange meetings with Trump, Pence and senior members of their administration, POLITICO revealed last week. Bennett said he and Lewandowski never saw the document, which he said was produced by Avenue's partners in the company, an Azerbaijani oil executive and an American political consultant who works extensively in Russia.

The document "was a violation of our understanding with them," Bennett said. "We don't need the headache."

Lewandowski issued a statement saying he had "no affiliation or involvement" and "never entered into any agreement with this firm."

Bennett clarified that "Avenue Strategies owned the equity — and that is me and Corey — but he didn't have any role." Bennett didn't respond when asked whether Avenue had dissolved other firms it had created with other partners to prospect in the Middle East, Canada and Central America.

Concerns about Lewandowski's adherence to lobbying rules and boasts of access also have taken hold inside the White House, said two people who have discussed Lewandowski's lobbying with administration officials.

And Citgo, the U.S. refining arm of Venezuela's state-owned oil company, is under increasing scrutiny as the Trump administration takes a tougher line against the cash-strapped government of Venezuela, which has been accused of human rights abuses and drug trafficking.

Complicating matters further, there are rising concerns that the Russian government-owned oil company Rosneft could be on the verge of taking control of Citgo. That's because Venezuela's national oil company, Petróleos de Venezuela, or PDVSA, took out a loan from Rosneft in December, offering as collateral 49.9 percent of Citgo's shares. International energy market analysts have predicted that the economic crisis in Venezuela could lead PDVSA to default on its debt, which would put Rosneft on the cusp of controlling three of the largest and most sophisticated refineries in the U.S., plus three major pipelines and dozens of fuel terminals.

The involvement of Russia is fraught for Trump's administration. The president's team is under

scrutiny from law enforcement and congressional investigators examining Russian efforts to meddle in the 2016 presidential election, including by stealing and disseminating emails from allies of Trump's Democratic rival Hillary Clinton.

A bipartisan group of senators wrote a letter last month to Trump's Treasury secretary, Steve Mnuchin, linking the election hacking and Russia's alleged violations of arms control agreements with Rosneft's position in Citgo.

The senators wrote that they are "extremely concerned that Rosneft's control of a major U.S. energy supplier could pose a grave threat to American energy security, impact the flow and price of gasoline for American consumers, and expose critical U.S. infrastructure to national security threats." They urged Mnuchin — in his capacity as chairman of the Committee on Foreign Investment in the United States, which has to sign off on acquisitions of U.S. assets by foreign companies — to prepare for the prospect that PDVSA might soon default.

"In the event Rosneft were to acquire Citgo, we would expect a thorough, conflict-free and expedient review," the senators' wrote in their letter to Mnuchin.

Bennett had previously vowed that Avenue would not lobby for an entity that was averse to U.S. foreign policy interests — specifically singling out Russia and China — and he said that if Rosneft took control of Citgo, "we would resign immediately. Don't want that hassle."

When asked whether Venezuela was averse to U.S. foreign policy interests, Bennett said "I don't work for Venezuela. I work for a Houston-based company that has three plants in America and produces 19 percent of America's gasoline. It's an American company, Americans work there."

Citgo spokesmen did not respond to requests for comment. Neither did the White House or Treasury.

Citgo attracted attention last month, when it was revealed in a Federal Election Commission filing that the company donated \$500,000 to Trump's inaugural committee, despite not having donated to recent presidential inaugurations.

The company has long employed established Washington lobbying firms and lobbyists, including Brownstein Hyatt Farber Schreck and Cornerstone Government Affairs.

Bennett explained that Avenue's deal with Citgo was a subcontract with a company called VantageKnight that was started by a veteran lobbyist named Manuel Ortiz, who previously represented Citgo while working at Brownstein.

Ortiz has deep ties on the Democratic side of the aisle, but no obvious connections to Trump's administration. He did not respond to requests for comment, but sources say he also brought in Avenue Strategies to lobby for the Puerto Rico Federal Affairs Administration, which signed Avenue to a \$125,000 contract covering the four months from March through June.

VantageKnight was paid \$270,000 during the first three months of the year to lobby for Citgo,

according to [filings](#) with congressional oversight offices.

The filings indicate that Ortiz lobbied Congress and the Trump administration on the "potential impact of U.S. energy and foreign policy restrictions" on Citgo's "operations and valuation of assets," as well as "sanctions related issues."

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House passes \$1 trillion spending bill to avoid shutdown [Back](#)

By Jennifer Scholtes | 05/03/2017 04:29 PM EDT

The House passed a \$1 trillion omnibus spending bill Wednesday that would stave off shutdown scares and fund the government at updated levels through the end of September.

The legislation, which was passed on a 309-118 vote, now heads to the Senate, where it is expected to be approved and signed by President Donald Trump before a Friday deadline. Congress was supposed to have finished its spending work for the fiscal year seven months ago.

Lawmakers on both sides of the aisle are celebrating the deal, which would achieve a more sweeping update of federal funding levels than they had previously anticipated possible. The compromise [struck](#) over the weekend provides \$2 billion in new spending for the National Institutes of Health and permanently extends expiring health insurance benefits to retired coal miners.

The bipartisan bill has also sparked some rancor.

The administration is angry about the perception that Trump sacrificed the most in negotiations and that congressional Democrats notched more victories.

Trump blasted "the plan negotiated between the Republicans and Democrats" on Twitter Tuesday, adding that a September shutdown could help fix the "mess."

House Appropriations Chairman [Rodney Frelinghuysen](#) (R-N.J.) fired back later that day, defending the bipartisan measure.

"I don't think this bill is a mess. This bill has been a work product for over 14 months. I think we're very proud of our work product," Frelinghuysen said during a House Rules Committee hearing.

The White House [held](#) several press conferences Monday and Tuesday to list their "wins" on the deal, touting the inclusion of an extra \$15 in defense spending and an additional \$1.5 billion in border security money.

But Trump was rebuffed by Congress in his request for billions in cuts to domestic programs, a crackdown on "sanctuary cities" and any money for construction of his proposed wall on the U.S.-Mexico border.

The conservative House Freedom Caucus did not take a public position on the bill, though Chairman [Mark Meadows](#) (R-N.C.) told reporters just before the final vote that he and most caucus members would oppose the omnibus because of "a lack of conservative priorities in the bill — other than military." Some Republicans have complained that the bill ignores their long-time priority of defunding Planned Parenthood, as well as Trump's demands.

Sen. [Lindsey Graham](#) (R-S.C.) briefly [threatened](#) to block the bill Tuesday over what he says is inadequate funding for the Pentagon and the fact that the legislation does not restore the full authority of the Export-Import Bank. But he later said he will only vote against the legislation and would not force a government shutdown.

A majority of House Republicans ultimately agreed to support the bill and look ahead to the fiscal 2018 appropriations process, which the White House has said would be more GOP-driven.

"Did Republicans get everything we wanted? No. Did Democrats get everything they wanted? Heck no," Rep. [Bill Flores](#) (R-Texas) said in an interview. "I think [OMB chief Mick Mulvaney] did a pretty good job of getting as much as the president's agenda as he could."

House Democrats also strongly backed the bill and reminded Republicans of their leverage.

House Minority Whip [Steny Hoyer](#) (D-Md.) described the spending package as a "reasonable" and "rational" compromise — formed by the kind of negotiating he said would be needed throughout Trump's tenure.

"It is clear from recent history that Democratic participation is absolutely essential if we're going to pass fiscal bills and appropriations bills," Hoyer said on the floor. "And I'm glad Republican leadership reached that conclusion."

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Red-state Democrats scrape out wins in Trump era [Back](#)

By Elana Schor | 05/03/2017 06:54 PM EDT

Sen. [Joe Manchin](#) is high on the list of incumbents that Republicans are trying to unseat next year. But the West Virginia Democrat scored a major win in this week's \$1 trillion spending deal — and he has the GOP to thank for it.

Manchin isn't the only one.

Sens. [Jon Tester](#) of Montana, [Sherrod Brown](#) of Ohio and other Democrats waging reelection battles in states won by President Donald Trump are notching marketable accomplishments in the GOP-controlled Senate. It's a break from the recent past, when Senate leaders sought to deny endangered incumbents from the other party any achievements or bipartisan street cred to tout back home.

And vulnerable Democrats seized the spotlight this week, repeatedly taking credit for securing a permanent extension of health benefits for coal miners in the government funding bill.

"Ultimately, it was bipartisan, but for a long time it was Democrats carrying the ball," Sen. [Bob Casey](#) (D-Pa.) said in an interview.

In fact, the red-state Democrats couldn't have claimed their biggest victory so far this Congress without Senate Majority Leader [Mitch McConnell](#), who also wanted a fix to help his own state's miners.

But even though McConnell and the Trump White House are still shutting out the minority on big-ticket issues like health care and taxes, some at-risk Democrats are finding GOP partners for projects well-suited to their reelection bids.

The most popular ally for Trump-state Democrats is Ohio GOP Sen. [Rob Portman](#), whose own appetite for bipartisanship helped smooth his glide to reelection last year even as it frustrated some liberals who would have rather robbed him of wins.

Portman has worked with Sen. [Heidi Heitkamp](#) (D-N.D.) on a regulatory reform plan and is courting more Democratic support. He regularly joins Brown's calls for stronger trade enforcement. And he's eyeing potential legislation with Missouri Sen. [Claire McCaskill](#) that would build on their fruitful investigation into [Backpage.com](#)'s role in online sex trafficking.

Portman, who helped push for the miners' aid package alongside West Virginia Republican Sen. [Shelley Moore Capito](#), said he's faced no arm-twisting from Republican leaders over giving endangered Democrats achievements that might bolster their standing in Trump states.

"I traditionally have worked across the aisle with members who are up," Portman said in an interview, and Republican leaders "know I'm not going to back down."

Trying to deter bipartisan collaboration with vulnerable members is "silly," Portman added. "If we're doing our jobs, focused on the right result, it'll be good for all of us. Second, I don't think the fact that I've introduced a bill [with a Democrat] is going to make any difference in an election."

Teaming up on modest legislation doesn't spark the inside-the-Beltway chatter that bipartisan collaboration on taxes or infrastructure might carry, but it can generate valuable news coverage for Democrats in their states.

When Trump signed Tester's veterans' health care bill last month, national news organizations paid little heed but the Democrat drew a raft of positive headlines back home in Montana.

Bipartisanship is "not dead," Tester insisted in a brief interview, pointing to the veterans' bill as proof that "there's already been some good work done."

Republicans have previously tried to deny any perceived victory to their electoral targets, with former GOP Sen. Anthony Brown (R-Mass.) pushing to stop a vote on a energy efficiency proposal — co-authored by Portman — that would have benefited Sen. Jeanne Shaheen (D-N.H.) in their 2014 face-off. Some Democrats also recall getting similar pressure from on high not to team up with vulnerable Republicans as they pushed to retake the Senate in 2016.

The absence of such strong-arm tactics so far this year is partly due to the still-nascent stage of the midterm campaign.

"It's too early to really make an assumption" that red-state Senate Democrats will have further reelection fodder, one Senate GOP aide said. "You might see a few things here and there that they're a cosponsor on with a Republican counterpart, but I seriously doubt they'll have many big wins to tout."

Republicans also aren't sweating Democrats' victory lap on miners' aid because they don't think it will be enough to save their opponents from a campaign-trail hammering over the Obama administration's regulatory clampdown on the coal industry.

"You can't support a war on coal for years and then hope to erase voters' memories by signing on to the majority leader's efforts to permanently extend health care for retired miners," McConnell spokesman Don Stewart said by email. "Constituents are smarter than that. The Democrats' scheme is like painting one window of a dilapidated building before putting it up for sale — people just aren't going to buy it."

However, letting imperiled Democrats in states Trump won assert their political influence also gives them a chance to remind voters that incumbency has its benefits.

Asked if the door would close to more bipartisanship as 2018 draws nearer, Manchin urged GOP colleagues to keep working with him.

"[Republicans] know one thing, that there's one senator here that always talked to them when they were in cycle, if it was a good idea: It was me," Manchin told POLITICO.

"If somebody signed onto a bill that was bipartisan and it was a good idea, it was me," added Manchin, who has played an uncharacteristic political hardball to draw attention to retired coal miners' plight. "If they wanted to look at someone who never campaigned against them and never raised money against them to try to defeat them, it was me."

This week's victory on miners' aid could prove hard to replicate when lawmakers start similar talks on a fix for the looming shortfall in retired coal workers' pension fund. Democrats say that

they've secured a commitment to work with Finance Chairman Orrin Hatch (R-Utah) on the issue before next year, but as the midterm election approaches, partisan tension is likely to spike.

"I think pensions will be a challenge, because look how difficult health care was," Casey said. "[Republicans] made that much more difficult than it could have been."

And not every moderate Democrat is comfortable with counting on victories more minor than miners' aid. McCaskill lamented in an interview that even red-state Democrats whose votes might be gettable for the White House remain frozen out of the bigger policy debates.

"While there are some individual members that are still working across the aisle, and I'd count Rob [Portman] among them, it's frustrating for me because I think I have a well-deserved reputation for doing that," McCaskill said. "I think I would be considered by most of my Republican colleagues one of the moderates, but no one's talking to us Democrats on the big stuff they're doing."

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By Anthony Adragna | 10/31/2017 05:41 AM EDT

With help from Emily Holden and Esther Whieldon

MASSIVE CHANGES COMING TO EPA SCIENCE BOARDS: Conservative allies of EPA Administrator Scott Pruitt expect him to announce today that he will bar scientists who have received agency research grants from serving on advisory panels, including the Science Advisory Board, Pro's Emily Holden [reports](#). "If we have individuals who are on those boards, sometimes receiving money from the agency ... that to me causes questions on the independence and the veracity and the transparency of those recommendations that are coming our way," Pruitt said earlier this month at the [Heritage Foundation](#). Unconfirmed names of new members to the committees were circulated by The [Washington Post](#) and [E&E News](#) on Monday night.

Critics see attack on science: Scientists and former EPA officials say the board already screens for any conflicts of interest and that Pruitt's move would be a transparent attack on science. The Union of Concerned Scientists says about half of current members have worked on projects that received EPA money, so the move would give Pruitt a chance to fill the slots with political and industry supporters of his regulatory rollbacks.

"The service on the board should be on the basis of scientific expertise and specific training that contributes to improving the science that EPA does," said Tom Burke, the Obama EPA's science adviser and deputy assistant administrator for the Office of Research and Development. "An effort to stack the board with industry or folks with a particular point of view with the climate debate is really confusing stakeholder opinion with independent science review."

The deets: Pruitt will make the formal announcement at EPA headquarters at 2 p.m.

KEY SOLAR SIGNAL SENT AHEAD OF ITC VOTE: White House officials fear allowing foreign dominance of solar manufacturing poses a national security risk, a factor that could affect President Donald Trump's decision on whether to impose a tariff or quota on imported solar equipment, Pro's Eric Wolff [reports](#). The four-member U.S. International Trade Commission reveals its proposals at a meeting this morning after finding last month that domestic solar cell and panel manufacturers had been harmed by imports flowing into the country. But Trump gets the final call on whether and what trade barriers will ultimately be imposed.

Suniva and SolarWorld, the two companies that brought the original complaint, argue strong domestic manufacturing is critical for national security. Suniva's Matt Card, executive vice president of commercial operations, said in a statement the innovation that comes from U.S. solar manufacturing is "crucial for U.S. national security, otherwise we will be reliant on China and its proxies, with their own agendas, for this technology that is a growing part of a diverse national energy solution."

But opponents of trade barriers, led by the Solar Energy Industries Association, say tariffs or other options would threaten progress at making U.S. energy supplies more secure. "It's hard to see how devastating the American solar industry supports national security or puts us at a competitive advantage against the rest of the world," SEIA CEO Abigail Ross Hopper said.

Ahead of the vote, the Checks and Balances Project sent a letter to the head of SQN Capital Corporation, one of Suniva's major creditors, alleging "you have been actively considering moving to a Chapter 7 bankruptcy — which would permanently shut down Suniva Inc. operations" and requesting clarification on the company's "intentions" ahead of the administration's decision.

BOO! HAPPY HALLOWEEN! I'm your host Anthony Adragna, and Kanner & Associates' Marty Kanner was to identify the Eisenhower administration as the first to decorate the White House for Halloween. For today: The original jack-o'-lanterns were not made of pumpkins, but what? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

THERE'S AN ENERGY TIE TO EVERYTHING: George Papadopoulos, who pleaded guilty earlier in October to a single count of lying to the FBI, lists his current profession as an "oil, gas and policy consultant" on his still-functioning LinkedIn page. He touts an energy-related endorsement from Trump: "George is an oil and gas consultant; excellent guy."

In addition, Yahoo News reports Sam Clovis, whose nomination to the top scientist post at USDA has been criticized over his refusal to accept mainstream climate science, was Papadopoulos' supervisor mentioned in court documents.

POLITICO's Josh Meyer dives deep into the Papadopoulos mystery here.

FEMA UNDER THE GUN: FEMA Administrator Brock Long has the first of many appearances before congressional committees concerning his agency's response to a string of recent hurricanes. We'll be watching for details on the response in Puerto Rico and the now-cancelled Whitefish Energy contract. Long meets with the Senate Homeland Security and Governmental Affairs Committee at 10 a.m. Watch here.

Meanwhile, Puerto Rico Gov. Ricardo Rosselló told NBC News on Monday the island would lean heavily on "mutual aid agreements" with Florida and New York to get electricity back on as quickly as possible. He said his goal was not to delay power restoration when he cancelled the \$300 million contract with Whitefish Energy on Sunday. "My aim is not to do that — in fact quite the opposite, actually increase the urgency to getting more brigades over here," Rosselló said. "That is why the mutual aid assistance from the state of New York and from the state of Florida are going to be critical." And the governor told CBS News Monday night he's considering keeping hundreds of subcontractors hired by Whitefish.

HOUSE PANEL SHELVES PUERTO RICO HEARING: The House Homeland Security Committee cancelled without explanation a hearing slated for Wednesday where Long and San

Juan Mayor Carmen Yulín Cruz were expected to testify. "It is inexcusable that the Republicans have delayed this hearing for the third time with no rational reason in a blatant attempt to silence the Mayor and shield the Trump Administration from another bad news story," ranking member [Bennie Thompson](#) said in a statement. The Mississippi Democrat said the "real story" of the federal government's response to the hurricane isn't being told and "is inadequate in almost every respect."

EPA VETS BASH DRAFT STRATEGIC PLAN: Two separate groups of former EPA employees are extremely disappointed with the agency's draft [strategic plan](#), according to comments they're filing ahead of a deadline today. Save EPA, a Denver-based group of former staffers and others, [said](#) it had grave concerns that the plan is "extraordinarily insufficient," including because it does not address climate change. The Environmental Protection Network's [comments](#), which were prepared by retired career staff who worked on previous strategic plans and in compliance and enforcement, said the Trump administration has set priorities "in defiance of what robust science and common sense tells us are the human health and environmental challenges of the 21st Century." EPN said the plan omits data about environmental progress to date and fails to show how EPA will move forward on core tasks assigned by Congress. The group added that planned staff cuts would make it hard to carry out "even the reasonable ideas contained in the draft strategy."

SHOT DOWN: House Ways and Means Chairman [Kevin Brady](#) has declined a request from Sustainable Energy and Environment Coalition to discuss where sustainable policies fit into the emerging tax reform push, according to the group's vice-chairman Rep. [Jared Polis](#). "Chairman Brady's refusal to sit down with members of the Sustainable Energy and Environment Coalition to discuss sustainable energy and environmental policies in the upcoming tax reform plan is exactly what's wrong with Washington these days," he told ME in a statement. "We should be afforded the chance to sit down and discuss solutions with our Republican colleagues." The committee did not return to request for comment.

BLM UTAH ANNOUNCES SAGE GROUSE MEETINGS: The Bureau of Land Management's [Utah office](#) will hold three public meetings on Nov. 14-16 on changes the agency may make to plans for protecting greater sage grouse habitat. The agency has already announced sage grouse meetings in November in Idaho, California, Oregon, Colorado, Wyoming and for the Montana/Dakotas region. BLM created the plans in 2015 under a deal with states in lieu of listing the bird as either endangered or threatened under the Endangered Species Act but re-opened them at Zinke's bidding.

ENERGY COMMITTEE LOOKS AT EFFICIENCY INNOVATION: The Senate Energy and Natural Resources Committee today will "examine new efficiency opportunities provided by advanced building management and control systems" when it [gavels in](#) at 10 a.m. Witnesses include Daniel Simmons with DOE's Office of Energy Efficiency and Renewable Energy and the Pacific Northwest National Laboratory's Jud Virden. Trump's budget proposed deep cuts to EERE, so ME would be on the lookout for discussion of potential impacts from those cuts.

FERC BIGWIGS TALK PERRY'S PUSH: Three former FERC chairmen — Betsy Moler, James Hoecker and Pat Wood III — and former commissioners Nora Mead Brownell and Colette

Honorable participate in a discussion today at 10 a.m., hosted by the Bipartisan Policy Center, about Energy Secretary Rick Perry's grid resiliency proposal that would prop up the coal and nuclear sectors. The roster for the second panel also now includes Sean Cunningham, the executive director of the Energy Department's policy's office. Watch [here](#).

DEMOCRATS SEEK PROBE OF EPA'S BECK CALL: Four senior House Energy and Commerce Democrats — [Frank Pallone](#), [Diana DeGette](#), [Paul Tonko](#) and [Kathy Castor](#) — [asked Pruitt again](#) for documents related to how Nancy Beck, a former chemical industry official, is running the agency's chemicals office. "We therefore request that you immediately provide the documents requested in June and appear before the Committee to explain this blatant disregard for conflicts of interest and the public interest," they wrote. In addition, the Democrats [asked](#) the agency's inspector general to probe how Beck's actions may have benefited her former employer, the American Chemistry Council.

FISHERY AID SOUGHT: A bipartisan group of eight West Coast senators, led by [Jeff Merkley](#), [asked the administration](#) and [congressional leaders](#) to include relief for fisheries as part of the next disaster relief package taken up by Congress. "It is essential that the Senate treat fishery disasters appropriately, and provide emergency funding that can enable fishermen and communities to recover from lost catches in the form of grants, job retraining, employment, and low-interest loans," they wrote.

LAWSUIT FILED OVER CADIZ DOCS: The Center for Food Safety filed [a lawsuit](#) Monday over an unfilled public records request concerning the controversial Cadiz water project in the Mojave Desert. "The Cadiz project stunk since the day it was proposed, but its stench has gotten so much worse since Trump came into power and Cadiz's friends got power in the agencies that are supposed to regulate the company," Adam Keats, a senior attorney, said. BLM [removed the biggest remaining hurdle](#) to the California project earlier this month.

TWO INTERIOR IG REPORTS OF NOTE: Interior's inspector general released [a report](#) Monday finding a National Park Service employee misused his official position to obtain \$3,115 in speaking fees from non-federal entities. A [separate investigation](#) found a BLM manager falsified her employment history during the job application process.

WATER OFFICE LOSING LONG-TIME LEADER: EPA's top career water official, Michael Shapiro, plans to retire by the end of the year. The agency loses a veteran who was "uniquely qualified" to navigate the politics of complex water issues, said Adam Krantz, CEO of the National Association of Clean Water Agencies. Shapiro was running the water office while David Ross awaits Senate confirmation along with a pile-up of other agency picks seeking floor votes, Pro's Emily Holden [reports](#).

LIGHTER CLICK: John Oliver devoted much of "Last Week Tonight" on Sunday to U.S. flood insurance. Watch [here](#).

MOVER, SHAKER: Jim Fitterling, president of The Dow Chemical Company, has joined the executive committee of the National Association of Manufacturing's board of directors.

QUICK HITS

- They're Back: Controversial Researchers Contracted for Regulatory Study. [Bloomberg BNA](#).
- New Mexico Utility Seeks Electricity Options Other Than Coal. [AP](#).
- Brent oil ends above \$60 on expected OPEC cut extension. [Reuters](#).
- New EPA Settlements Policy Has Lawyers Bracing for Long Disputes. [Wall Street Journal](#).
- U.S. Response to Storm-Hit Puerto Rico Is Criticized by U.N. Experts. [New York Times](#).
- Republican Asks Colleagues to Keep Wind and Solar Tax Credits. [Bloomberg](#).

HAPPENING TODAY

10:00 a.m. — "[2017 Hurricane Season: Oversight of the Federal Response](#)," Senate Homeland Security and Governmental Affairs Committee, Dirksen 342

10:00 a.m. — "[Full Committee Hearing to Examine Opportunities for Efficiency in Building Management and Control Systems](#)," Senate Energy and Natural Resources Committee, Dirksen 366

10:00 a.m. — Former FERC commissioners and stakeholders discuss the Grid Rule, Sofitel Washington, D.C., Lafayette Square, Paris Ballroom, 806 15th Street NW

11:00 a.m. — "Geopolitics of Energy: The Nexus of Russia, Saudi Arabia and the Global Oil Market." Daniel Morgan Graduate School, 1620 L St. NW

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<https://www.politicopro.com/tipsheets/morning-energy/2017/10/seismic-changes-to-epas-science-boards-hit-today-025300>

Stories from POLITICO Pro

Pruitt to announce policy to limit science advisers [Back](#)

By Emily Holden | 10/30/2017 02:24 PM EDT

EPA Administrator Scott Pruitt is expected to announce a new policy on Tuesday to limit the advisory roles of scientists who have received agency research grants, according to an invitation to the event obtained by POLITICO.

The change, which Pruitt [suggested](#) two weeks ago, could exclude scores of scientists who have

received EPA funding in the past from serving on independent boards that provide advice to the administrator.

Pruitt has said he questions "the independence and the veracity and the transparency" of recommendations from scientists who have had EPA grants.

Critics say the change would allow industry-financed scientists to control advice given to the agency on a range of environmental protection issues.

"Such a move bans some independent scientists from providing scientific advice while giving those with conflicts a free pass," wrote Michael Halpern, deputy director of the Union of Concerned Scientists' Center for Science and Democracy. He said about half of board members have had EPA grants.

The agency has invited conservative political allies, including those affiliated with the CO2 coalition, a group formed in 2015 that dispute mainstream climate science and touts the "important contribution made by carbon dioxide to our lives and the economy."

Pruitt will make the formal announcement at EPA headquarters at 2 p.m., as was first reported by E&E News.

To view online [click here](#).

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Source: White House sees solar manufacturing as national security issue [Back](#)

By Eric Wolff | 10/30/2017 07:03 PM EDT

The Trump administration is worried that foreign dominance in solar manufacturing could pose a national security threat, according to a White House source, a factor that could play a role in whether the U.S. implements import barriers on the clean energy technology.

A federal trade panel is set to vote Tuesday on the potential remedies it will recommend to President Donald Trump after it found last month that U.S. solar cell and panel manufacturers had been harmed by imports flowing into the country. Trump will make the final decision on whether to implement trade barriers against the solar equipment largely shipped from Asia.

White House staff view a domestic production base as essential to keeping the U.S. at the forefront of solar innovation, which they see as critical for military and space applications.

The two companies that brought the trade complaint, Suniva and SolarWorld Americas, have argued that a strong manufacturing base is essential for U.S. security, both for energy supplies and to drive technological innovation.

Suniva's Matt Card, executive vice president of commercial operations, said in a statement the innovation that comes from U.S. solar manufacturing is "crucial for U.S. national security, otherwise we will be reliant on China and its proxies, with their own agendas, for this technology that is a growing part of a diverse national energy solution."

But the industry lobby group Solar Energy Industries Association, which opposes trade barriers, says innovation can come from government support and a thriving market.

"Through investments in solar, the Department of Defense has been leading the way in making America's energy supply more secure. This case threatens that very progress," said SEIA CEO Abigail Ross Hopper. "It's hard to see how devastating the American solar industry supports national security or puts us at a competitive advantage against the rest of the world."

SEIA has sided with solar installers to argue that tariffs on solar equipment would jeopardize the fast-growing solar business in the United State by driving up prices, and putting nearly one-third of the 260,000 U.S. solar jobs at risk.

Solar backers were skeptical of some of the national security concerns, acknowledging that although NASA relies heavily on solar panels to power satellites and operate the International Space Station and potentially for solar electric propulsion to reach destinations far from Earth, its panels use a different technology than the crystalline silicon at issue in the trade case.

"Space technology is very different, and that's not impacted at all by the international trade commission case," said Todd Foley, senior vice president for policy for the American Council for Renewable Energy. The group has opposed the potential tariffs, arguing that higher prices would damage demand for solar panels in the U.S. and hurt the overall industry. "The key to a vibrant manufacturing sector is a vibrant domestic market," he said.

While Trump will make the final decision on whether to institute tariffs or a floor price for imported solar panels, he will be guided by the recommendations from the four U.S. International Trade Commission members. The group, which will reveal their tariff proposals at the Tuesday meeting, could send as many as four different recommendations to the president by the Nov. 11 deadline.

"My guess will be you'll see either a single or two recommendations," said Terry Stewart, managing partner at the trade law firm of Stewart & Stewart. Any competing recommendations will be included in the report that goes to the president that lays out logic behind the different options, he added.

The White House source said the current thinking favors a simple structure like a tariff or quota, since the administrative infrastructure already exists. Suniva, which is in bankruptcy protection, has proposed both a tariff as well a minimum price for imported solar cells. SolarWorld, whose German parent is in bankruptcy, has said it preferred a tariff along with a quota. Both companies have said a tariff alone wouldn't do enough to protect the U.S. manufacturing industry.

The two companies and SEIA have offered suggestions to divert some of the proceeds any tariffs

from the Treasury Department to go to directly to manufacturers, although SEIA's proposal calls for no quota or floor price and a far lower tariff. Suniva and SolarWorld also proposed assistance programs for the solar sector, but the White House prefers to avoid the complexity of setting up new programs.

Suniva and SolarWorld also hope the ITC will recommend the president issue an executive order requiring federal agencies use only U.S.-produced panels and begin a review of tax credit programs like the Investment Tax Credit that supports solar power.

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6 key findings from Papadopoulos' guilty plea in Russia probe [Back](#)

By Cristiano Lima | 10/30/2017 01:13 PM EDT

George Papadopoulos, a former foreign policy adviser on President Donald Trump's 2016 campaign, pleaded guilty to lying to the FBI about his contacts with Russian officials, court documents revealed Monday.

The plea deal was entered by Papadopoulos, 30, in a closed Washington, D.C., courtroom earlier this month, according to special counsel Robert Mueller's office. It was publicly disclosed Monday and offers evidence of a Trump campaign official coordinating with a Russia-linked official offering "dirt" that could allegedly influence the election.

Here are the key findings from the 14-page court filing:

Papadopoulos made "material false statements" to the FBI in a January interview

The former Trump foreign policy adviser lied to the Federal Bureau of Investigation during an interview on Jan. 27, 2017. The meeting was held as part of their investigation into the Russian government's effort to influence the 2016 campaign and whether there was "coordination" between foreign operatives and the Trump team, documents show.

He lied about meeting a professor with "substantial" ties to the Kremlin

Papadopoulos met with a professor from abroad who had "substantial" connections to Russian government officials on or around March 14, 2016. While Papadopoulos told federal authorities the meeting came prior to him joining Trump's campaign, it in fact occurred in early March, documents show, after he joined the team. The meeting also came about because of the professor's interest in Papadopoulos' role with the Trump camp. They again discussed campaign-related matters on April 26, 2016, after Papadopoulos had been on the campaign team for more than a month.

Papadopoulos also lied to the FBI about the extent of his awareness of the professor's Moscow connections, calling him "a nothing" who was "just a guy talk[ing] up connections or something," when in reality he knew of his link to the Kremlin.

He discussed "dirt" on Hillary Clinton and her "thousands of emails"

Papadopoulos admitted to authorities that the professor had told him that he possessed "dirt" on then-Democratic presidential candidate Hillary Clinton and her "thousands of emails." The professor also discussed the emails during their meeting in April after Papadopoulos had joined the campaign.

He met with someone described as "a relative of Russian President Vladimir Putin"

During his meeting with the Kremlin-linked professor, Papadopoulos was introduced to a female Russian national who was described to him as a "relative" of the Russian leader. The court filing says she possessed "connections to senior Russian government officials."

Papadopoulos tried to set up a meeting between the Trump campaign and the Kremlin

Documents say Papadopoulos, "over a period of months," sought to use the connections of the professor and the woman described as Putin's relative to set up a summit between the campaign and the Russian government.

Following a March meeting with his two contacts, Papadopoulos told a "Campaign Supervisor" of the potential gathering and was told they would "work it through the campaign." The supervisor added, "Great work." Ultimately, the meeting between Russian leadership and the campaign did not take place.

The FBI says his lies and omissions "impeded" the investigation

Mueller's team says that Papadopoulos, by providing false information and omitting details about his communications with Russian-linked contacts, hindered the FBI's probe into Russian election interference and any coordination between the Trump campaign and Moscow.

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Puerto Rico utility cancels controversial energy contract [Back](#)

By Colin Wilhelm | 10/29/2017 02:20 PM EDT

Puerto Rico's Electric Power Authority canceled its \$300 million contract with Whitefish Energy, a Montana-based company, after additional scrutiny surrounding the repair contract worth hundreds of millions of dollars.

The move comes after Puerto Rico Gov. Ricardo Rosselló called for the cancellation of the contract this morning. Rosselló's public call to the federal oversight board of Puerto Rico happened after days of resisting any change to the contract, according to a source with knowledge of the situation.

A spokesperson for the governor did not immediately respond to a request for comment.

Rosselló publicly objected last week to the oversight board's installation of an emergency chief transformation officer to oversee the recovery of PREPA, Puerto Rico's beleaguered government-backed power utility, after the board filed in court to do so last week. That board-installed officer is placed above PREPA's Executive Director Ricardo Ramos, who signed off on the Whitefish contract. That contract uses federal funds overseen by the utility to repair Puerto Rico's electrical grid, most of which remains offline weeks after Hurricane Maria hit the island.

The law passed by Congress last year allows the board to act as trustee for any Puerto Rico government entities that seek to reorganize their debt in court, a process similar to bankruptcy. A judge overseeing the restructuring of Puerto Rico's debt granted the request, according to a court document.

Several congressional committees sent investigative inquiries about the contract last week, and members of the House Natural Resources Committee also sought information as to why Rosselló did not seek to activate "mutual aid" agreements with nearby states to increase the number of work crews available, an action Rosselló ultimately took today.

"Transparent accountability at PREPA is necessary for an effective and sustained recovery in Puerto Rico," said Parish Braden, a spokesperson for that committee, in an email to POLITICO. "Immediate actions must also be responsibly aligned with long-term rebuilding and revitalization efforts. Success depends on the cooperation and coordination of the Governor, the Oversight Board, PREPA's Chief Transformation Officer and federal partners."

In a press conference Sunday, Rosselló urged the immediate end of an agreement between the commonwealth's electric utility, PREPA, and Whitefish Energy, a two-year-old Montana-based company whose selection for a no-bid contract worth hundreds of millions of dollars has drawn intense political scrutiny. Rosselló also criticized the federal government for a delay in sending brigades of the U.S. Army Corps of Engineers.

In a news release sent Sunday, Rosselló said his comments were "intended to reaffirm our commitment to transparency in the contracting process in the government of Puerto Rico and to achieve the highest degree of efficiency possible in the restoration of the power grid of our island, in the shortest amount of time possible."

"The goals I established are aimed at achieving 30 percent of the power generation capacity. I am grateful for the effort that the PREPA staff is doing together with the contracted companies," Rosselló said in the release. "At the moment, PREPA and its contractors have 404 brigades working on the island, while the [Army Corps of Engineers] has seven."

Earlier this month the Washington Post reported that Whitefish had previously employed the son of Interior Secretary Ryan Zinke and that the company was selected despite having no experience in large-scale electrical repairs and with only two full-time employees. The company has subcontracted out its work on the island.

Since then the contract, initiated by PREPA using federal emergency funds, has come under congressional scrutiny and put Zinke on the defensive.

Zinke on Friday said he had "absolutely nothing to do" with the awarding of the contract to Whitefish, which is from his hometown. "Any attempts by the dishonest media or political operatives to tie me to awarding or influencing any contract involving Whitefish are completely baseless. Only in elitist Washington, D.C., would being from a small town be considered a crime," Zinke wrote in a [statement](#).

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BLM clears the way for Cadiz California water pipeline [Back](#)

By Esther Whieldon | 10/16/2017 06:06 PM EDT

The Bureau of Land Management has ruled the proposed Cadiz Inc. water pipeline in California's Mojave Desert can move forward without agency approval, effectively clearing the biggest remaining federal hurdle for the project.

In a Friday [letter](#), which Cadiz released today, BLM acting Director Mike Nedd reversed a 2015 finding by the Obama administration that the project could not use an existing railroad right of way and would need to apply for its own.

The proposed pipeline would pump groundwater from a desert aquifer across 43 miles of land, much of it federally owned, and the project's opponents have argued it would draw more water than the aquifer can recharge naturally.

The Interior Department in September also reversed a legal interpretation made under the Obama administration and found railroads have broad discretion to lease their rights of way. The Center for Biological Diversity has filed a public records request with Interior to figure out why the agency revoked that legal interpretation.

David Bernhardt, Interior's second-in-command, did legal work for Cadiz before joining the agency. An Interior spokeswoman in an emailed statement said "the Deputy Secretary has absolutely no role in anything related to Cadiz."

WHAT'S NEXT: Cadiz in a [statement](#) said it will begin working on final engineering designs,

contracts and obtaining a conveyance agreement with the Metropolitan Water District of Southern California. A Cadiz spokeswoman in an email said the storage component of the project will still require federal permits.

To view online [click here.](#)

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Pruitt to announce policy to limit science advisers [Back](#)

By Emily Holden | 10/30/2017 02:24 PM EDT

EPA Administrator Scott Pruitt is expected to announce a new policy on Tuesday to limit the advisory roles of scientists who have received agency research grants, according to an invitation to the event obtained by POLITICO.

The change, which Pruitt [suggested](#) two weeks ago, could exclude scores of scientists who have received EPA funding in the past from serving on independent boards that provide advice to the administrator.

Pruitt has said he questions "the independence and the veracity and the transparency" of recommendations from scientists who have had EPA grants.

Critics say the change would allow industry-financed scientists to control advice given to the agency on a range of environmental protection issues.

"Such a move bans some independent scientists from providing scientific advice while giving those with conflicts a free pass," [wrote](#) Michael Halpern, deputy director of the Union of Concerned Scientists' Center for Science and Democracy. He said about half of board members have had EPA grants.

The agency has invited conservative political allies, including those affiliated with the CO2 coalition, a group formed in 2015 that dispute mainstream climate science and touts the "important contribution made by carbon dioxide to our lives and the economy."

Pruitt will make the formal announcement at EPA headquarters at 2 p.m., as was first reported by [E&E News](#).

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Subject: Morning Consult Washington: Mueller's Team Requests Broad Array of Documents From Justice Department

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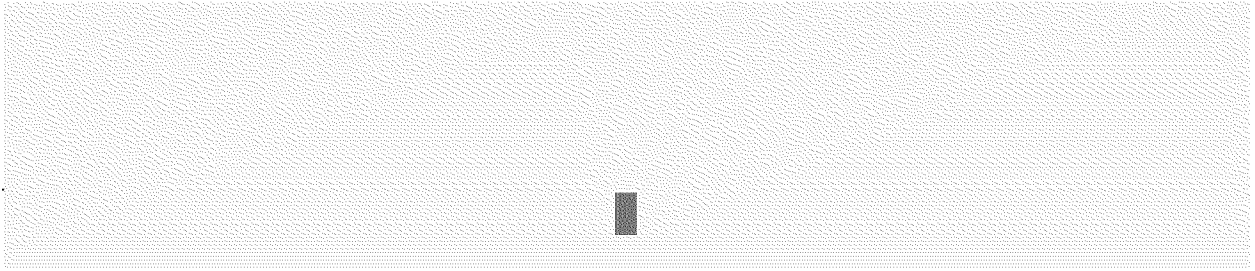
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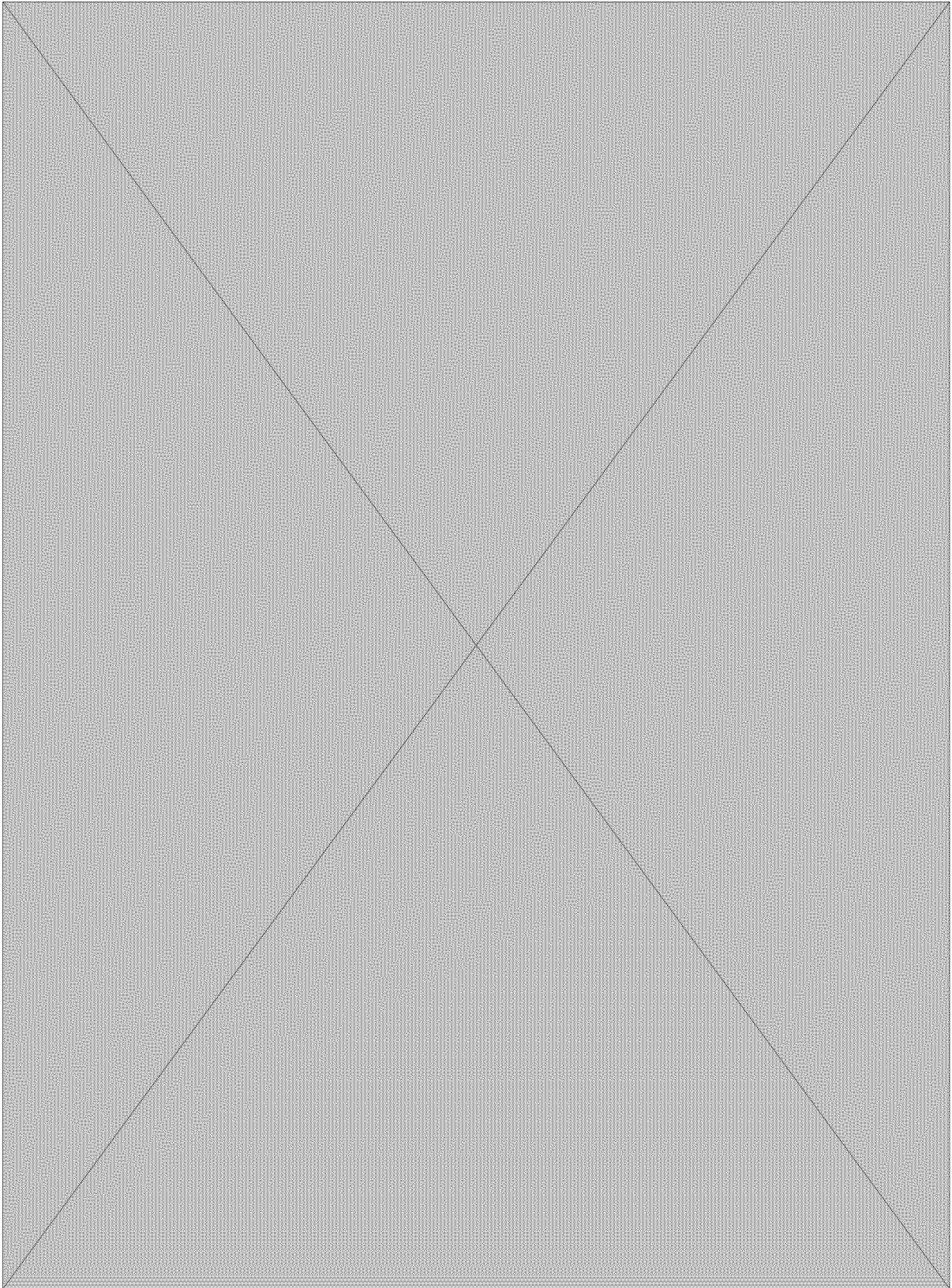
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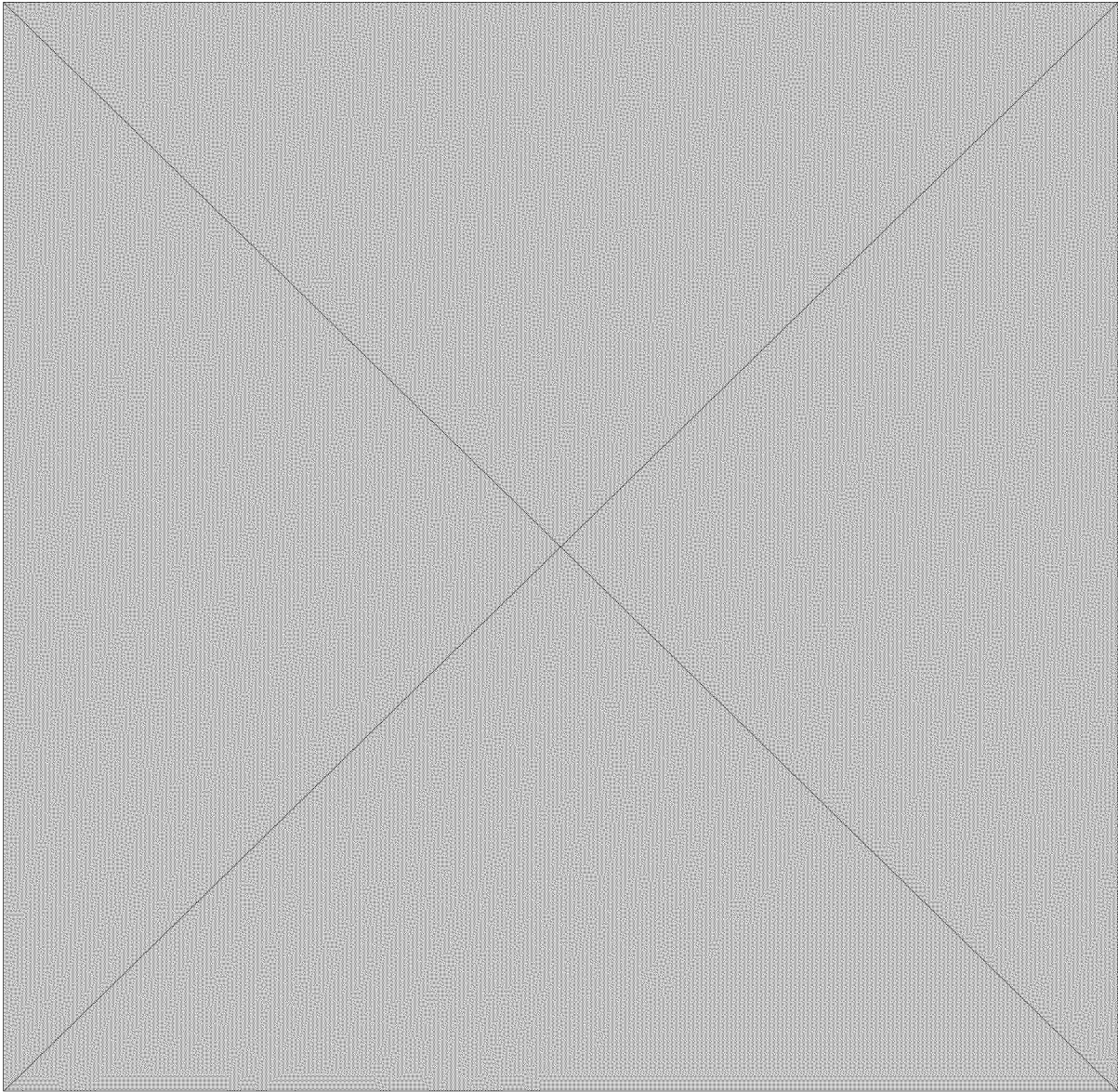
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Mon 10/30/2017 7:32:52 PM
Subject: EPA's top water official to retire

By Emily Holden

10/30/2017 03:30 PM EDT

Michael Shapiro, the career official at the helm of EPA's water office, will retire at the end of the year, multiple water sector sources said today.

Shapiro has been deputy assistant administrator of the Office of Water since 2002.

He has been conducting much of the outreach with state water regulators as they wait for the Senate to confirm David Ross, a Wisconsin assistant attorney general, to be assistant administrator, said Julia Anastasio, executive director of the Association of Clean Water Administrators.

"It does mean that we lose a really informed and pragmatic voice in the office of water," Anastasio said. "Mike has been a great partner to the states who embodies cooperative federalism and he will definitely be missed by my members ... The rest of the career staff will, I am sure, continue Mike's efforts to work collaboratively with states, but the loss of his knowledge and experience will most certainly be felt."

Shapiro informed the agency of his plans earlier this month and called his 37 years at EPA a "great ride" in an email to colleagues shared with [E&E News](#).

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<https://www.politicopro.com/energy/whiteboard/2017/10/epas-top-water-official-to-retire-094944>

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From: POLITICO Pro Energy Whiteboard
Sent: Mon 10/30/2017 6:24:43 PM
Subject: Pruitt to announce policy to limit science advisers

By Emily Holden

10/30/2017 02:24 PM EDT

EPA Administrator Scott Pruitt is expected to announce a new policy on Tuesday to limit the advisory roles of scientists who have received agency research grants, according to an invitation to the event obtained by POLITICO.

The change, which Pruitt suggested two weeks ago, could exclude scores of scientists who have received EPA funding in the past from serving on independent boards that provide advice to the administrator.

Pruitt has said he questions "the independence and the veracity and the transparency" of recommendations from scientists who have had EPA grants.

Critics say the change would allow industry-financed scientists to control advice given to the agency on a range of environmental protection issues.

"Such a move bans some independent scientists from providing scientific advice while giving those with conflicts a free pass," wrote Michael Halpern, deputy director of the Union of Concerned Scientists' Center for Science and Democracy. He said about half of board members have had EPA grants.

The agency has invited conservative political allies, including those affiliated with the CO2 coalition, a group formed in 2015 that dispute mainstream climate science and touts the "important contribution made by carbon dioxide to our lives and the economy."

Pruitt will make the formal announcement at EPA headquarters at 2 p.m., as was first reported by E&E News.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 11/29/2017 3:53:09 PM
Subject: Glick sworn in at FERC

By Darius Dixon

11/29/2017 10:51 AM EDT

Rich Glick was sworn in as a FERC commissioner this morning, according to the agency's [official Twitter account](#).

Glick had been the general counsel for Democrats on the Senate Energy and Natural Resources Committee. Before joining the panel last year, he was vice president of government affairs for Iberdrola Renewables Inc. for about a decade. The company changed its name to Avangrid Renewables last year. He also worked as an adviser to Energy Secretary Bill Richardson during the Clinton administration.

It remains unclear when Kevin McIntyre, President Donald Trump's pick for FERC chairman, will be sworn in.

Glick and McIntyre were confirmed by the Senate in early November and are joining FERC in the midst of the agency's review of a controversial grid resiliency proposal from the Energy Department that would prop up economically struggling coal and nuclear power plants.

WHAT'S NEXT: FERC is expected to take some "final action" on the Energy Department's controversial grid proposal by Dec. 11.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/11/glick-sworn-in-at-ferc-095618>

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Subject: Morning Consult Washington, Presented by the Electronic Payments Coalition: Week in Review & What's Ahead

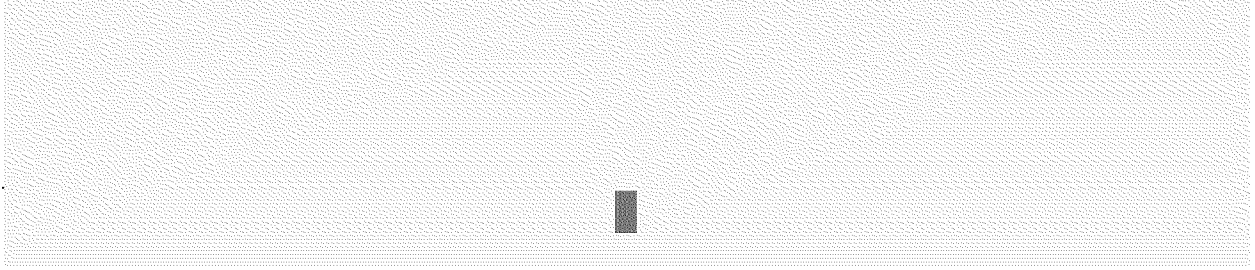


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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 10/19/2017 5:21:12 PM
Subject: Trump gives his team a '10' for its Puerto Rico hurricane response

By Nolan D. McCaskill

10/19/2017 01:17 PM EDT

President Donald Trump today gave the federal government the highest marks for its response to the hurricane devastation in Puerto Rico.

"I'd say it was a 10," the president, who sat beside Puerto Rico Gov. Ricardo Rosselló, told reporters today. "I'd say it was probably the most difficult when you talk about relief, when you talk about search, when you talk about all of the different levels, and even when you talk about lives saved. You look at the number. I mean, this was — I think it was worse than Katrina."

The pair of hurricanes that tore through Puerto Rico, the president continued, "was in many ways worse than anything people have ever seen."

"They got hit by a Category 4. Grazed. But grazed about, you know, a big portion of the island," Trump said. "But it was grazed. The rest of it hit Florida, as you know. But that was bad. But then they got hit dead center — if you look at those maps, by a Category 5. Nobody's ever heard of a [Category] 5 hitting land. Usually by that time it's dissipated. It hit right through — and kept to a [Category] 5. It hit right through the middle of the island, right through the middle of Puerto Rico. There's never been anything like that. I give ourselves a 10."

Trump has been heavily criticized by some for his muted initial response to the damage to the U.S. territory, and has publicly feuded with certain local officials about whether he was giving Puerto Rico less attention than Texas and Florida, which also got hit hard by hurricanes in recent weeks.

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<https://www.politicopro.com/energy/whiteboard/2017/10/trump-gives-his-team-a-10-for-its-puerto-rico-hurricane-response-094513>

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Subject: Morning Consult Washington: Democratic Rep. Sinema Announces Bid for Flake's Senate Seat

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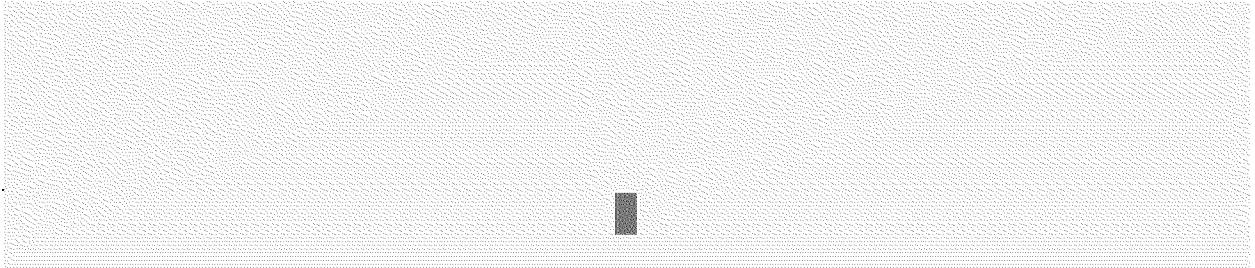
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Wed 12/6/2017 11:20:01 PM
Subject: Volkswagen Senior Manager Sentenced to 84 Months in Prison for Role in Conspiracy to Cheat U.S. Emissions Tests

Volkswagen Senior Manager Sentenced to 84 Months in Prison for Role in Conspiracy to Cheat U.S. Emissions Tests

WASHINGTON (December 6, 2017) - The former general manager of Volkswagen AG's (VW) U.S. Environment and Engineering Office was sentenced today 84 months in prison for his role in VW's scheme to sell diesel "clean diesel" vehicles containing software designed to cheat U.S. emissions tests.

Acting Assistant Attorney General John P. Cronan of the Justice Department's Criminal Division, Deputy Assistant Attorney General Jean E. Williams of the Justice Department's Environment and Natural Resources Division, Acting U.S. Attorney Daniel L. Lemisch of the Eastern District of Michigan, Special Agent in Charge David P. Gelios of FBI's Detroit Field Office and Acting Assistant Administrator Larry Starfield, for the Environmental Protection Agency (EPA)'s Office of Enforcement and Compliance Assurance made the announcement.

Oliver Schmidt, 48, a citizen and resident of Germany, was sentenced by U.S. District Judge Sean F. Cox of the Eastern District of Michigan, who also ordered Schmidt to pay a criminal penalty of \$400,000. Schmidt pleaded guilty on Aug. 4 to one count of conspiracy to defraud the United States, to commit wire fraud and to violate the Clean Air Act, and to one count of violating the Clean Air Act.

"Upon learning of Volkswagen's massive scheme to defraud and mislead U.S. consumers and regulators, Oliver Schmidt chose to join the conspiracy and deceive U.S. regulators," said Acting Assistant Attorney General Cronan. "This case, along with the prior prosecution of the company and another Volkswagen engineer, further demonstrate the Criminal Division's unwavering commitment to hold both corporations and individuals accountable for their wrongdoing."

"Oliver Schmidt cheated the American people, and today's sentencing shows that such behavior will be prosecuted to the fullest extent of the law," said Deputy Assistant Attorney General Williams. "The Department of Justice and its partner agencies will continue to work together to ensure a level playing field for all competitors and a cleaner environment for all Americans."

"This sentence reflects how seriously we take environmental crime," said Acting U.S. Attorney Lemisch. "Protecting natural resources is a priority of this office. Corporations, and individuals acting on behalf of corporations, will be brought to justice for harming our environment."

"Americans expect corporations to follow laws and regulations designed to protect consumers and the environment," said FBI Special Agent in Charge Gelios. "The sentence of Mr. Schmidt demonstrates the Department of Justice's commitment to hold companies that defraud their customers both personally, as well as, corporately accountable for their crimes."

"As this case demonstrates, EPA is committed to ensuring a level playing field for companies that follow the rules and pursuing individuals whose actions create an unfair competitive advantage for

their employer,” said EPA Acting Assistant Administrator Starfield.

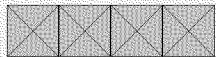
In connection with his guilty plea, Schmidt admitted that he agreed with VW employees to mislead and defraud the United States and domestic customers who purchased diesel vehicles, and to violate the Clean Air Act. Schmidt first learned during the summer of 2015 that certain VW diesel vehicle models contained a defeat device, or software that detected the difference between when the car was undergoing standard U.S. emissions testing and when it was being driven under normal conditions on the road. If the vehicle recognized that it was not being tested, many of its emissions control systems were significantly reduced, resulting in NOx emissions that were sometimes 30 times higher than U.S. standards. Schmidt admitted to participating in discussions with other VW employees in the summer of 2015 on how to coordinate responses to questions from U.S. regulators about VW's diesel vehicles without admitting to the defeat device contained in vehicles. On the instructions of management, Schmidt met with U.S. regulators twice in August 2015 and attempted to obtain approval for the sale of additional VW diesel vehicles without disclosing what he knew was the truth – that the real reason for the high emissions on the road was that VW had intentionally installed software designed to cheat emissions testing.

Schmidt further admitted that he knew during his participation in the conspiracy that the VW “clean diesel” vehicles were being marketed to the public as being environmentally friendly and promoting increased fuel economy while complying with U.S. environmental regulations. Schmidt knew that VW's diesel vehicles were not compliant with U.S. standards and regulations and that these representations made to domestic customers were false, he admitted.

As part of his guilty plea, Schmidt agreed that during his participation in the scheme, he and his co-conspirators caused losses to victims of more than \$150 million and that he obstructed justice.

The FBI's Detroit Field Office and the EPA's Criminal Investigation Division are investigating the case, with assistance from U.S. Immigration and Customs Enforcement's Homeland Security Investigations. Securities and Financial Fraud Unit Chief Benjamin D. Singer and Trial Attorney David M. Fuhr of the Criminal Division's Fraud Section, Senior Trial Attorney Jennifer Blackwell of the Environment and Natural Resources Division's Environmental Crimes Section and White Collar Chief John K. Neal of the U.S. Attorney's Office for the Eastern District of Michigan are prosecuting the case.

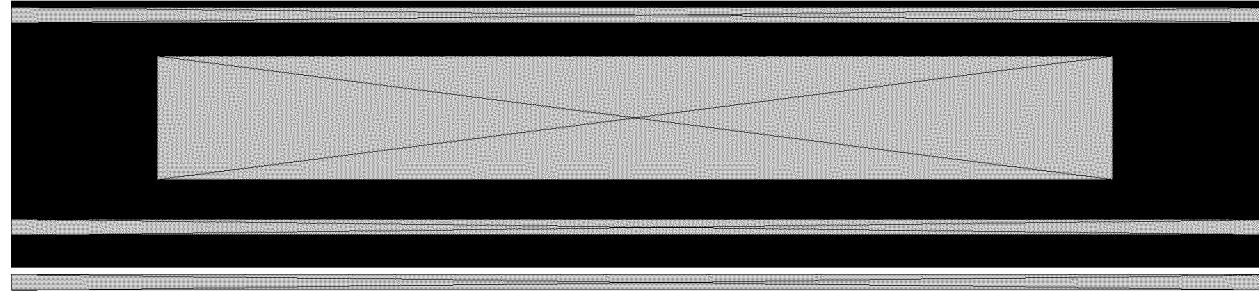
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NEXT WEEK!

Understanding Financial Statements for Lawyers

October 3, 2017 @ 1 PM (ET)

This webinar provides a helpful and detailed look at what lawyers need to know about financial statements--an understanding that will permit the lawyer to ask better questions and spot issues. Participants will also understand how the balance sheet, statement of cash flows and income statement interact.

Cyber Liability Insurance in the Digital Age: Do You Have It?

Leave Law Quandary: When to Apply the ADA, FMLA and Workers' Compensation

does light duty fit into all of this? Please join us as we provide the answers to these and many more questions to help you steer clear of the problems that this Bermuda triangle of leave laws can create.

NOVEMBER WEBINARS NOW AVAILABLE!

Ethical Issues for In-House Counsel: Challenges Advising Your Organization

November 2, 2017 @ 1 PM (ET)

The roles of in-house counsel in the 21st century are as varied as the organizations they serve. One thing that all in-house counsel have in common is that they serve a single client — the organization, be it for-profit or non-profit, publicly traded or privately held, which employs them. The exclusivity of this attorney-client relationship, as well as the unique intimacy and confidentiality that it fosters, gives rise to complex and difficult ethical challenges. Please join us for this webinar that examines the varied ethical concerns that arise on a routine basis for in-house counsel and how to navigate the associated risks.

Vendor Management and Contract Negotiations: Defining Relationships and Setting Terms

November 8, 2017 @ 1 PM (ET)

Every business has vendors that support its operations, and usually financial officers must negotiate the terms of the contracts that support these relationships, not to mention dealing with the aftermath if something goes wrong down the road. As such, the financial officer plays a key role in managing vendors throughout the relationship with the company, from contract negotiation to evaluating performance. Establishing key processes to facilitate this effort is paramount to remaining organized and aware of these relationships throughout their lifecycle, especially if a vendor fails to perform. Please join us as we address the financial officer's role in managing vendors and negotiating agreements. We offer useful tips on some common terms and conditions every agreement should include to protect your company.

The War Against Fiduciaries: A Growing Trend in Trust & Estate Litigation

November 9, 2017 @ 1 PM (ET)

Since the financial crisis, trust and estate litigation has increased at an alarming rate. The most common targets in these lawsuits are the fiduciaries tasked with maintaining and distributing the trust and estate assets, with many lawsuits contending that fiduciaries are unable to effectively manage the complex trust and estate matters for which they are responsible. Further, plaintiffs can cast a wide net when it comes to individual liability exposure, meaning that any or all of the involved trustees, managers, employers, and even those who may have decided to transfer fiduciary duties to a third party are at risk. This webinar explores the different parties who are charged with a fiduciary duty, the duties and obligations of these fiduciaries, and the tools fiduciaries need to prepare for and fight on this growing battlefield.

Background Checks, References, and Pre-Employment Testing: New Legal Pitfalls for Employers

November 21, 2017 @ 1 PM (ET)

The failure of employers to adequately check or test the background of applicants can result in harm and liability for negligent hiring and reckless endangerment. BUT the "victims" of improper background investigations also have legal challenges. Please join us as we explain an employer's need for secure and effective hiring while avoiding improper practices. We will review the key points relating to: negligent hiring, criminal background checks, reference checks, pre-employment testing, the Fair Credit Reporting Act, the ADA, Title VII discrimination, honesty, "right fit" and personality traits testing.

Raising Capital, Finding Investors, Crowdfunding, and Crowdsourcing: Issues When Seeking Money to Grow the Business

November 29, 2017 @ 1 PM (ET)

Often, businesses face the need to raise capital or find investors to facilitate business growth. It isn't as simple as just taking money from a willing investor, however. Adding investors to your business can raise all sorts of challenges, from its impact on the existing ownership structure of the business to complying with securities laws and reporting obligations. This webinar offers insights into the various ways to raise capital, as well as the legal issues that every counsel should understand to help the company choose the best course of action.

Employee Handbook Update: Important Revisions to Ensure Legal Compliance and Avoid Liability

November 29, 2017 @ 1 PM (ET)

All employers should have well-drafted employee handbooks to communicate policies and procedures that apply to the workplace. Too often, however, those handbooks are not reviewed or updated regularly despite rapid changes to the legal landscape when it comes to employment and labor issues. This webinar will help you better understand important protections that your employee handbook needs to contain to best protect you, and what recent legal issues require revisions.

OCTOBER WEBINARS AVAILABLE!

Understanding the Financials in the Deal Making and Negotiations Process: Accounting, Ethics and the Lawyer

October 17, 2017 @ 1 PM (ET)

Having a good understanding of your organization's financial position and a working accounting knowledge will benefit you in the negotiation process for M&A and all other contracts. Whether companies are looking to merge, acquire a new entity, enter a business relationship, or invest, the financial data is critical to assess the relative health and prospects of the parties involved. Please join us for a webinar that reviews transaction language examples and walks you through some ethical situations that have arisen over time in the deal making process.

How to Conduct an HR Audit: Ensuring Full Compliance with Employment Laws and Regulations

October 24, 2017 @ 1 PM (ET)

Your company's ability to effectively comply with federal and state employment laws and regulations depends on a number of factors including: employee training; current, clear and comprehensive employment policies and procedures; and your decision makers' understanding of (and ability to navigate within) the applicable legal and regulatory landscape. One of the best ways to ensure ongoing HR compliance is to periodically conduct an HR audit. Learn how to conduct an HR Audit that will not only leave you with a better understanding of the applicable laws and regulations, but also with a practical plan for ensuring the various federal and state legal requirements are addressed in your HR policies, forms and other documentation, and by management on a day-to-day basis.

A CRITICAL SERIES!

Nuts and Bolts for the In-House Counsel: Six-Session Series on the Key Subjects Your Client Needs Your Expert Advice

Six Session: October 24, 2017 @ 1 PM (ET), October 31, 2017 @ 1 PM (ET), November 8, 2017 @ 1 PM (ET), November 29, 2017 @ 1 PM (ET), December 6, 2017 @ 1 PM (ET) & December 13, 2017 @ 1 PM (ET)

This series will explore six major areas that in-house counsel should consider to have a better understanding of the wide range of needs and critical concerns of their corporate clients: 1) inventory and assessment of governing documents; 2) key employment and labor issues; 3) vendor management and contract negotiations; 4) raising capital and other funding; 5) protecting and defending intellectual property; and, 6) corporate governance and working with the board of directors. By understanding these areas, lawyers joining or currently working in legal departments of any size will be better prepared to counsel their corporate clients on these critical areas of focus.

Governing Documents for Your Organization: Charting the Corporate Roadmap

October 24, 2017 @ 1 PM (ET)

An entity's governing documents are the legal foundation for how it is organized and operates. Accuracy is key, both to comply with the law and ensure effective operations. A sound set of governing documents can help minimize disagreements between stakeholders, provide guidance to the organization, and specifically outline legal and organizational requirements that must be followed. This webinar reviews the different types of corporate governing documents and other information to help you better understand your client and help ensure it operates in a manner consistent with its legal and organizational mandates.

Telecommuting Employee Regulatory Requirements: Step-by-Step Employer Review

October 25, 2017 @ 1 PM (ET)

It's estimated that nearly two-thirds of employers offer some form of work-at-home employment arrangement for their employees. Yahoo, however, appears to be bucking the trend with its recent announcement that it will no longer encourage telecommuting for its workforce. Regardless of your employer's position, many employers fail to pay enough attention to the regulatory requirements and the related risks and potential liabilities that go along with at-home employee work arrangements. Please join us for step-by-step guidance on how to avoid the legal pitfalls associated with your telecommuting workforce.

[See a full list of upcoming webinars.](#)

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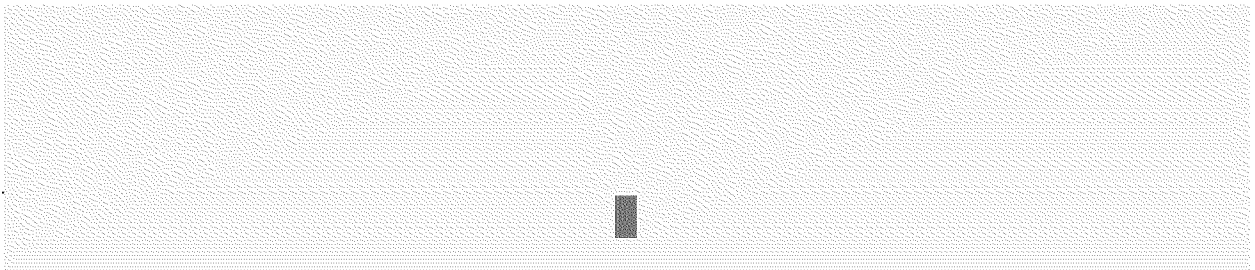
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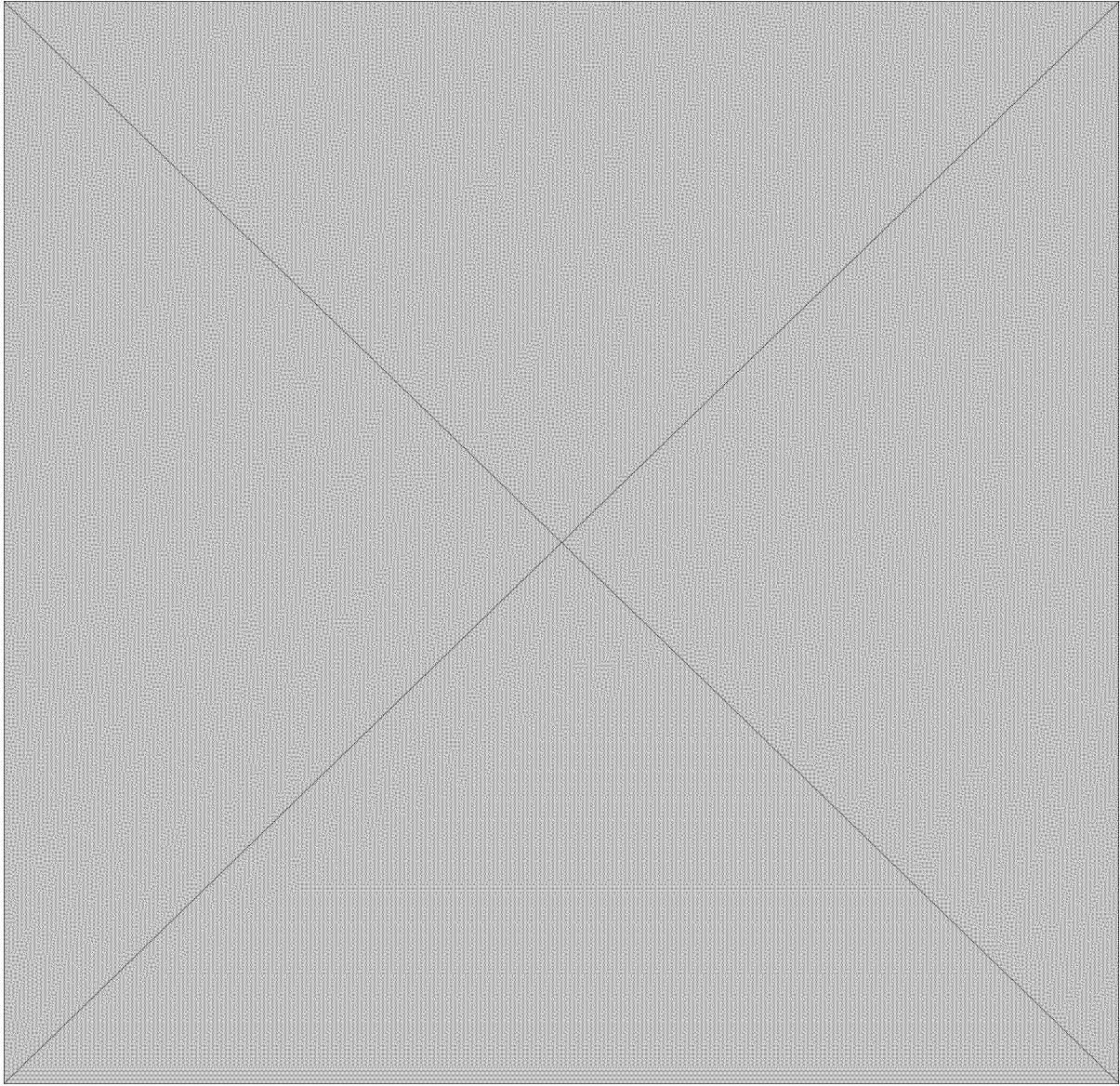
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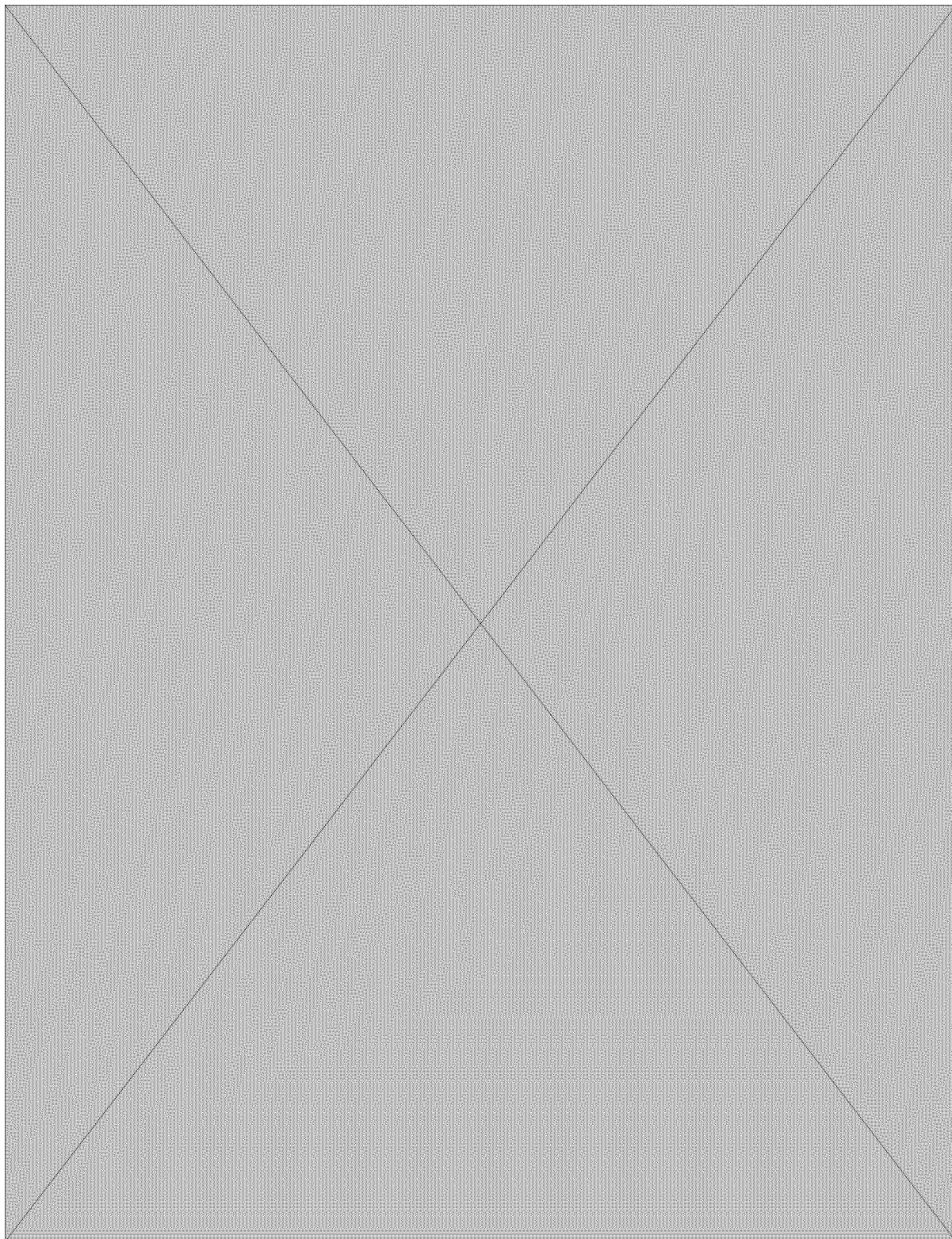
To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Mon 12/4/2017 2:04:44 PM
Subject: Morning Consult Washington, Presented by the Electronic Payments Coalition: Trump's Weekend Tweets About Russia Probe Prompt Warnings From Lawmakers

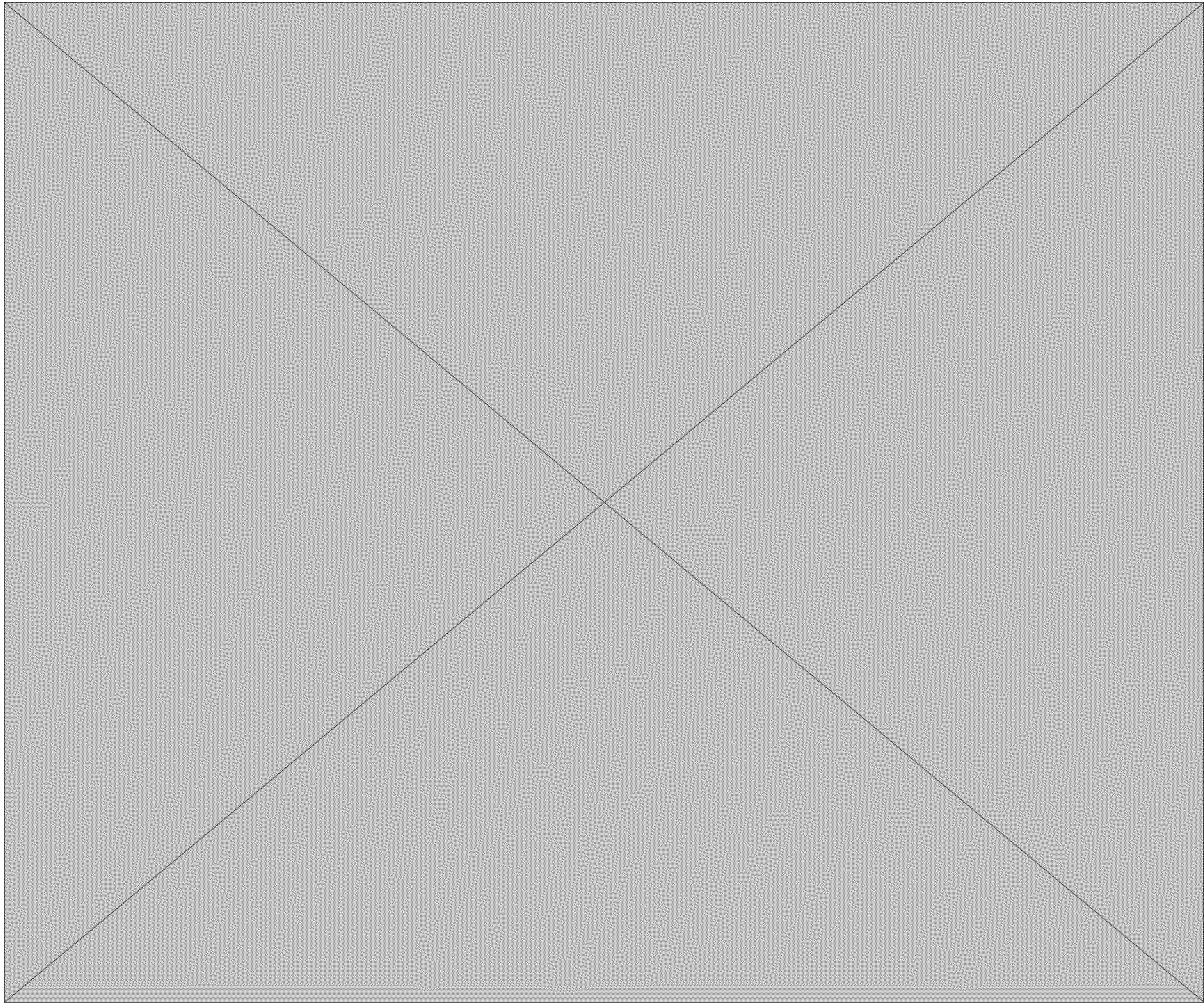
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Wed 10/11/2017 6:01:27 PM
Subject: Sponsored by C_TEC: Register for #TecNation 2017 on 10/17/17







Morning Consult, on behalf of Chamber Technology Engagement Center, conducted a national online survey of 2,201 adults from October 03 - 05, 2017. Results from the full survey have a margin of error of +/- 2%.

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PO Box 27068 Washington, DC, 20038, US

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy
Sent: Fri 9/29/2017 9:43:32 AM
Subject: Morning Energy, presented by the U.S. Chamber's Global Energy Institute: Zinke took non-commercial flights too — Pruitt doesn't plan to pay back his non-commercial flights — How U.S.-Mexico got to yes on water deal

By Anthony Adragna | 09/29/2017 05:41 AM EDT

With help from Esther Whieldon

ZINKE JOINS FLIGHT CLUB: Turns out Interior Secretary Ryan Zinke has also used military and charter airplanes while in office, including a charter plane he took to events in his hometown in Montana and private flights between two Caribbean islands, Pro's Ben Lefebvre [reports](#), citing documents and a department spokeswoman. That makes him at least the fourth member of President Donald Trump's Cabinet to bill the costs of non-commercial flights to U.S. taxpayers while in office. Interior spokeswoman Heather Swift said the agency selected those options because they couldn't find commercial flights that would work with Zinke's schedule and that ethics officials had given them the all-clear.

Among the most notable trips is a June 26 charter flight Zinke and several staffers took from Las Vegas to an airport about 20 minutes from his residence in Whitefish, Mont., at a cost of \$12,375. Commercial flights between Vegas and Glacier Park International Airport in Kalispell, Mont., are available for several hundred dollars, according to travel planning websites. During his time in Vegas, Zinke gave a motivational speech at an event for the city's new NHL team hosted by Bill Foley, chairman of Fidelity National Financial, a company whose employees were among Zinke's largest donors during his two congressional campaigns, according to [The Washington Post](#), which also reports the plane Zinke flew on was owned by oil and gas executives.

Zinke and staff also took two chartered flights on March 31 from St. Croix to St. Thomas in the U.S. Virgin Islands to attend the centennial of the Danish government turning the islands over to the United States. No other arrangements were available, according to Swift, though websites show commercial flights between the two islands generally run a few hundred dollars.

As for your next question: Swift said she had not spoken to Zinke about whether he would reimburse the government for the cost of the flights, as HHS Secretary Tom Price [said he would](#) late Thursday. But Zinke will be at the Heritage Foundation today for what's billed as "a major policy address" entitled "A Vision for American Energy Dominance" and slated to take questions. More information [here](#).

CAN YOU PUT A PRICE ON PRUITT'S NON-COMMERCIAL FLIGHTS? Amid growing criticism from members of both parties on Capitol Hill, EPA said late Thursday that Administrator Scott Pruitt wouldn't pay out of pocket for the \$58,000 worth of non-commercial flights he and his staff have taken on four occasions, Pro's Emily Holden [reports](#). "If a reimbursement was necessary, we would have been told during the approval process and acted accordingly," agency spokeswoman Liz Bowman said. EPA's general counsel provided [ethics](#)

approvals for at least three of the four trips.

Concern from some Republicans: Lisa Murkowski expressed openness to adding language to a spending bill that would prevent Pruitt from taking private flights but hoped it wouldn't come to that, your ME host reports. "I don't think it's appropriate," Murkowski said regarding Pruitt's and Price's use of private aircraft. (We spoke to her before the Zinke news broke.) Meanwhile, Sen. Chuck Grassley asked Trump in a letter Thursday for information on what steps Cabinet secretaries are taking to ensure the "most fiscally responsible travel."

But not everyone was so concerned. EPW Chairman John Barrasso wanted more information before he could judge appropriateness of Pruitt's flights and would only commit to having him testify "this year." Barrasso and Majority Whip John Cornyn were among the Republicans who wouldn't answer the broad question of whether Cabinet officials should take private transportation. And others like Sen. Jim Inhofe defended the flights. "If there is a problem with it, then there would be a rule against it and there isn't one," Inhofe, a friend of Pruitt's, said. "That's why he checked first to make sure there wouldn't be a problem."

Meanwhile, Sen. Tom Udall, top Democrat on the Appropriations subpanel responsible for EPA spending, asked Pruitt in a letter for details on his flying habits and further information on his "privacy booth" that cost taxpayers \$25,000. "I do think we can both agree that a fundamental part of any federal agency's 'core mission' must be the proper and responsible stewardship of taxpayer dollars," he wrote. And three House Democrats introduced a bill — the SWAMP FLYERS Act (points for creativity) — barring the U.S. of taxpayer funds on non-commercial travel.

WE MADE IT TO FRIDAY! I'm your host Anthony Adragna, and Growth Energy's Chris Bliley was first up to identify Wilt Chamberlain as the NBA Hall-of-Famer who endorsed Richard Nixon in 1968. For today: Which congressman worked as speechwriter for President Ronald Reagan for seven years? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

PUERTO RICO STILL REELING: More than a week after Hurricane Maria stuck, most of Puerto Rico remains without electricity, phone services and potable water as fuel shortages persist and supplies remain trapped at the port. Trump's Homeland Security Adviser Tom Bossert said the administration was providing "as much federal relief into Puerto Rico and the U.S. Virgin Islands as we can muster," but the government sent a three-star general, Lt. Gen. Jeff Buchanan to help coordinate the response.

More aid sought now: House Democrats are banging the drums for another relief package now, according to Pro's Budget & Appropriations Brief. "This has to happen soon, not weeks from now, not in late October," Nydia Velazquez said at a press conference. "We need to see action as early as next week." But Speaker Paul Ryan said those aggressive timelines aren't what first-responders on the ground actually need and vowed to act on a disaster request once received from the White House. Meanwhile, 19 House Democrats asked the Natural Resources Committee to hold an oversight hearing on the government's response.

Three tweets from POTUS: "FEMA & First Responders are doing a GREAT job in Puerto Rico. Massive food & water delivered. Docks & electric grid dead. Locals trying.....really hard to help but many have lost their homes. Military is now on site and I will be there Tuesday. Wish press would treat fairly!...Puerto Rico is devastated. Phone system, electric grid many roads, gone. FEMA and First Responders are amazing. Governor said "great job!"

THEY MADE A DEAL! U.S. and Mexican negotiators overcame tensions between the two nations because of Trump's immigration and trade stances to address issues caused by shrinking supplies from the Colorado River, Pro's Esther Whieldon [reports](#). "Water is the lifeblood of this region," Jennifer Pitt, Colorado River Project director for the National Audubon Society, said. "It's just too important for the two countries not to have good relations over (it) and not have a plan in place about how to manage supplies reliably for that enormous population." Failing to reach a deal risked years of litigation in a crisis that would force choices between cutting off water supplies to either farms and sensitive wildlife habitats or to major population centers.

COMPANIES TWEAK SOUGHT SOLAR RELIEF: Suniva and SolarWorld USA submitted a joint brief to the International Trade Commission recommending different remedies to imported solar equipment but said that either option could be selected, Pro's Eric Wolff [reports](#). Suniva recommends a price floor for all solar modules that starts at 74 cents per watt and declines over the four years of the tariff, as well as tariffs for both modules and the solar cells. SolarWorld said it was seeking a quota of 220 MW on imported cells and 5,700 MW on imported modules. Trump has the final call on what to select.

Group: Use caution: The Advanced Energy Buyers Group released [a letter](#) Thursday asking the ITC not to set "excessive remedies" on imported solar products as it considers a response to the initial ruling last week that imports harmed U.S. manufacturers of solar panels. "We recommend a balanced approach with respect to remedies that avoids unduly increasing the cost of solar energy," they wrote. "This case has already had a damaging effect on solar projects, raising costs as solar providers prepare for shortages."

FAMED WOTUS JUDGE GETS A PROMOTION: The Senate confirmed Judge Ralph Erickson, 95-1, Thursday to a seat on 8th U.S. Circuit Court of Appeals. Massachusetts Sen. [Elizabeth Warren](#) was the lone vote against. Among energy watchers, Erickson gained national attention when he issued a nationwide stay on the Obama-era Waters of the U.S. regulation back in 2015.

A LITTLE HELP FROM MY FRIENDS: Zinke's loaded up his advisory board on staffing and personnel issues with just political appointees, including several former industry lobbyists, Pro's Ben Lefebvre [reports](#). The move contradicts federal guidelines that recommend giving career employees an equal voice in such discussions with the Executive Resources Board.

EPA CONFIRMS DAMAGE TO HOUSTON-AREA SUPERFUND SITE: After confirming the protective cap on the San Jacinto River Waste Pits Superfund site sustained damage during Superfund Harvey, EPA directed International Paper and Industrial Maintenance Corporation, the potentially responsible parties at the site, to take "immediate action" to repair the damage.

Sampling from one of the areas showed dioxins present at 70,000 nanograms per kilogram, far above the recommended clean up levels of 30 ng/kg.

EPW DEMOCRATS WANT SUPERFUND ANSWERS: All the EPW Democrats sent a letter to Pruitt Thursday asking him to affirm his agency would continue to reimburse Superfund litigation costs assumed by the DOJ Environment and Natural Resources Division, after the New York Times reported those payments may be on the chopping block. "If these cuts are adopted, neither EPA nor State regulators will be able to adequately fund site clean-ups or enforce clean-up agreements, and DOJ will be unable to prosecute polluters in order to compel clean-ups to be paid for by those who caused the contamination in the first place," they wrote.

FLOOD INSURANCE-LESS FAA BILL CLEARS CONGRESS: Senators stripped out controversial private flood insurance language and the House then approved a stopgap FAA measure H.R. 3823 (115) on Thursday, Pro Transportation's Lauren Gardner reports. A bipartisan group of senators objected to language in the original package encouraging private insurance companies to enter the flood arena. "We can't have a situation happen where people can't sell or buy property because you can't get a mortgage unless you get flood insurance, and you can't get flood insurance because there's none available that's cost-effective," Sen. Marco Rubio said.

**** A message from the U.S. Chamber's Global Energy Institute:** Coming soon, our team of policy experts will be providing timely reactions and analysis of energy news as it happens at *Fuel for Thought*, the Global Energy Institute's new blogging hub. Sign up now to receive these updates in your inbox: <http://bit.ly/2yJpM29> **

MAIL CALL! BISHOP SEEKS REVIEW OF MINERAL WITHDRAWALS: House Natural Resources Chairman Rob Bishop sent a letter to Zinke and USDA Secretary Sonny Perdue asking for them to review mineral withdrawals done over the past eight years of the Obama administration. "Millions of acres of federal lands were inappropriately withdrawn from mineral access due to false premises of environmental protectionism and the intentional misuse of statutory authority," he wrote.

PELOSI CRITICIZES TIMING OF BILL WITH GUN MEASURE: House Minority Leader Nancy Pelosi criticized the House GOP for pushing a sportsmen's package with a provision that relaxes rules on purchasing gun silencers — expected to come up for a vote shortly — so soon after welcoming back House Majority Whip Steve Scalise, POLITICO's Heather Caygle reports. "This is not a sportsmen's package. This is an NRA wish list," a spokesman for Pelosi said. No date for a vote has yet been announced.

PERRY'S IN OHIO: He had to cancel a planned July trip to DOE's Portsmouth Gaseous Diffusion plant due to a Cabinet meeting, but Energy Secretary Rick Perry will be in Piketon, Ohio today to tour the Cold War nuclear site that has been undergoing decommissioning since 2011. Joining Perry are Ohio Sens. Rob Portman and Sherrod Brown as well as Reps. Bill Johnson and Brad Wenstrup.

The secretary tweeted out a bunch of pictures from his Thursday visit to a Pennsylvania coal

mine (sample [here](#)), as well a shot of him enjoying a local delicacy, "[cold pizza](#)."

NO FLY ZONE: The FAA and Interior announced Thursday they had restricted the operation of drones within 400 feet of the boundaries of ten Interior sites, including the Folsom, Glen Canyon, Grand Coulee, Hoover and Shasta dams. The restrictions, which also include the Statue of Liberty and Mount Rushmore, take effect Oct. 5. More information [here](#).

N.Y. POL PICKED FOR EPA REGION 2: Pruitt announced Thursday his selection of New York assemblyman Pete Lopez to run EPA's Region 2 office, which covers New York, New Jersey, Puerto Rico and U.S. Virgin Islands, Pro's Alex Guillén [reports](#). Lopez, a Republican, has been in the state assembly since 2007 and currently represents a district southwest of Albany.

PAGING LOLA ZINKE! Troy Downing, a Big Sky businessman challenging incumbent Montana Sen. Jon Tester in 2018, faces seven misdemeanor charges accusing him of trying to buy Montana resident hunting or fishing licenses as an out-of-state resident, the Bozeman Daily Chronicle [reports](#). Lola Zinke, wife of the Interior secretary, chairs his campaign.

PEER BLASTS ZINKE'S STAFF LOYALTY COMMENTS: Public Employees for Environmental Responsibility is slated today to send a letter to its subscribers blasting Zinke for earlier this week questioning the loyalty of staff and not following through on his promise to give the front-line staff more say over decisions. "Public employees work for the public, not for politicians," PEER will say. The very idea of a civil service "was to replace a spoils system where employment was based on political allegiance."

NOT MINCING WORDS: Former FWS biologist Felix Smith, who in the 1980s [blew the whistle](#) on the mass poisoning of migratory birds in California's Kesterson National Wildlife Refuge, sent an angry email to Zinke Wednesday blaming him for any pushback he is getting from staff. "You and President Trump have chilled or killed the moral of a large portion of the rank and file of DOI. I hope they hunker down until this experiment with democracy passes," Smith said in an email obtained by ME.

TAKE A GLANCE! The Institute for Policy Integrity New York University School of Law is out with [a report](#) Thursday arguing the Trump administration's cost-benefit analysis for its Waters of the U.S. rule repeal selectively ignores data on the benefits of the rule based on the age of supporting research studies. It says similar tactics likely appear throughout various regulatory proposals.

BIG BENEFITS FROM REDUCING AIR POLLUTION: Reductions in nitrogen oxides and ozone pollution saved \$800 million a year in reduced medication use and benefits of \$1.3 billion a year in 1,975 fewer deaths each summer, according to a [new report](#) from the Energy Policy Institute at the University of Chicago

QUICK HITS

— Global carbon emissions stood still in 2016, offering climate hope. [The Guardian](#).

- China Sets Tough Electric-Car Production Target. [Wall Street Journal](#).
- Majority of Americans now say climate change makes hurricanes more intense. [Washington Post](#).
- Standing Rock tribal head who led Dakota Access pipeline fight voted out. [Argus Leader](#).
- Spicer Says Rolling Back Regulations Helping Economy. [The Allegheny Front](#).
- Fighting the Toxic Nightmare Next Door. [Bloomberg Businessweek](#).

HAPPENING TODAY

9:00 a.m. — "[Global Hotspots and Security Challenges: A Conversation with Senator Joni Ernst](#)," Center for Strategic and International Studies, 1616 Rhode Island Avenue NW

11:30 a.m. — Secretary Ryan Zinke delivers remarks and takes questions at the Heritage Foundation, 214 Massachusetts Avenue, NE

THAT'S ALL FOR ME!

**** A message from the U.S. Chamber's Global Energy Institute:** For the last decade, we've been at the forefront of energy discussions in Washington and around the nation. Now, as the Global Energy Institute, we're ready for an even larger role, reflecting America's growing influence as an energy superpower. Without our vast grassroots network, we're positioned to help lead the charge for common sense energy solutions that will grow our economy and improve our security. Visit our website to learn more. www.globalenergyinstitute.org **

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/09/zinke-took-non-commercial-pricey-flights-too-024828>

Stories from POLITICO Pro

Interior Secretary Zinke traveled on charter, military planes [Back](#)

By Ben Lefebvre | 09/28/2017 07:54 PM EDT

Interior Secretary Ryan Zinke and his aides have taken several flights on private or military aircraft, including a \$12,000 charter plane to take him to events in his hometown in Montana and private flights between two Caribbean islands, according to documents and a department spokeswoman.

Zinke is at least the fourth senior member of the Trump administration to have used non-commercial planes at taxpayer expense, along with EPA Administrator Scott Pruitt, Treasury Secretary Steven Mnuchin and HHS Secretary Tom Price. President Donald Trump has [fumed](#) at

Price's pricey travel, and Democrats say the revelations demonstrate a cavalier attitude by Cabinet members toward excessive spending.

Interior Department spokeswoman Heather Swift said Zinke's charter or military plane trips were booked only after officials were unable to find commercial flights that would accommodate Zinke's schedule, and that all were "pre-cleared by career officials in the ethics office." Swift said she had not spoken to Zinke about whether he would reimburse the government for the cost of the flights, as Price plans to do for some of the \$400,000 tab he racked up on charter flights.

On June 26, a Beechcraft King Air 200 carried Zinke and several staffers from Las Vegas to Glacier Park International Airport in Kalispell, Mont., about a 20-minute drive from Zinke's home in Whitefish, according to his official schedule. The flight cost \$12,375, Swift said.

Zinke left after speaking at an event for the city's new professional hockey team, the "Vegas Golden Knights Development Camp Dinner," according to his schedule. Earlier in the day, he had been in Pahrump, Nev., for an announcement related to public lands.

Zinke's flight left Las Vegas at 8:30 p.m. PST and landed around 1:30 a.m. MST in Kalispell. The secretary stayed overnight at his residence, Interior documents show.

Las Vegas is one of the main connecting airports for commercial flights to Glacier International. Commercial flights between the two cities are available for several hundred dollars a ticket, according to travel planning websites.

In Whitefish, Zinke attended the Western Governors' Association's annual meeting, where he spoke for about 20 minutes without taking questions. He then had a private lunch with association members. In the afternoon Zinke was the subject of a photo shoot with GQ magazine at Lake McDonald and fished while being interviewed by Outside Magazine, the records show.

Zinke and staffers flew commercial back to Washington, D.C., the next day, according to the records.

The trip was not the first in which Interior booked a private jet for Zinke. On March 31, Interior chartered two flights to take Zinke and staff from St. Croix to St. Thomas in the U.S. Virgin Islands to attend the centennial of the Danish government turning the islands over to the United States. Another two flights were chartered to return to St. Croix later that night.

Swift said she did not know how much the flights cost but that no other arrangements were available.

Commercial flights between the two islands generally run a few hundred dollars, according to travel booking websites.

In May, Zinke and his wife, Lolita, used a military aircraft to travel to Norway. From there, they flew on a military plane to Alaska for events organized by the Senate Energy and Natural Resources Committee. The trip included charter planes to travel within Alaska, a common

occurrence in the large, remote state. The Zinkes paid for Lolita's share of the trip, the full cost of which was not immediately available, Swift said.

Zinke also took a military helicopter from Fort Bliss to review the Organ Mountains monument in New Mexico in June, and he used a Bureau of Land Management helicopter to review the Basin and Range National Monument on July 30. "It is difficult to survey a half-million-acre piece of land with few roads by foot or car in an hour and a half," Swift said.

Along with Agriculture Secretary Sonny Perdue, Zinke took a military plane to Ravalli County, Mont., to check on wildfires in the area in August. "The military plane was used because of a very tight travel window, with no viable commercial airline options to transport two secretaries, security details, and associated USDA, Forest Service and Interior staff to Missoula in the time required," said USDA spokesman Tim Murtaugh. The cost of the flight was not immediately available, but the two agencies plan to reimburse the Air Force, Murtaugh said.

To view online [click here](#).

[Back](#)

Price says he'll repay taxpayers for his private jet travel [Back](#)

By Rachana Pradhan | 09/28/2017 04:23 PM EDT

Health and Human Services Secretary Tom Price said he will write a personal check to the federal government for his costs of traveling on private jets and will permanently halt his use of charter flights.

"The taxpayers won't pay a dime for my seat on those planes," Price said in a statement Thursday afternoon.

The announcement follows a POLITICO investigation that found Price has taken at least 26 charter flights costing taxpayers more than \$400,000 since May to conduct official business within the country. Price's travel, which was first reported over a week ago, has increasingly come under fire from President Donald Trump and former colleagues in Congress.

HHS confirmed to several media outlets that Price will write a check to the U.S. Treasury worth \$51,887.31 — just a fraction of the total travel costs. The department did not confirm those details to POLITICO, which broke the story of his chartered flights. HHS did not address the costs of the staff and security officials who accompanied Price on those flights.

Price, whose use of private jets is being investigated by the HHS inspector general and Congress, said he will no longer charter flights for official business. "No exceptions," he said.

President Donald Trump on Wednesday wouldn't commit to keeping Price in his administration, saying only "we'll see" when asked whether Price would be fired. Trump has privately fumed

over Price's use of expensive charter jets, and some aides have called for firing Price. Hours before Price's announcement, the White House on Thursday said it had ordered HHS to halt all private flights.

"As the president said yesterday, he's not thrilled — certainly not happy with the actions," White House press Secretary Sarah Huckabee Sanders said.

Many of Price's flights were between major cities that offered inexpensive alternatives on commercial airlines, including Nashville, Philadelphia and San Diego. On some of those trips, Price mixed official business with personal affairs.

Price's statement came after increasing scrutiny from the Hill. The House Oversight Committee on Wednesday launched a bipartisan investigation into the use of private planes by all Cabinet secretaries. Sen. Chuck Grassley on Thursday sent a letter asking the White House to rein in officials' travel costs.

Price's decision to reimburse just the costs of just his airfare is unlikely to satisfy Democratic lawmakers, who've ripped him for lavishly spending taxpayer dollars while advocating for major cuts to health insurance programs covering low-income Americans.

"Until @SecPriceMD has paid back the full amount of his private jet flights he is still ripping off taxpayers," tweeted Sen. Ron Wyden, the top Democrat on the Finance Committee.

Price, who appeared at a White House event on opioid abuse with First Lady Melania Trump on Thursday, gave no indication that he planned to step down amid the outcry over his private travel. Earlier in the day, Price told reporters he believed the president still supported him, but he later refused to say whether he was worried about losing his job.

"I work at the pleasure of the president," Price said on Fox News, adding that he hopes to "regain the trust" of the American people and those working in the administration. Price said he's complying with the inspector general's review and contended that all his trips passed legal review.

Other Cabinet officials' travel has also come under recent scrutiny. Department auditors are reviewing private and military flights taken Treasury Secretary Steve Mnuchin and EPA Administrator Scott Pruitt

Price, who represented Georgia for more than a decade in the House, has a longstanding reputation as a fiscal hawk and a staunch opponent of Obamacare. As a former chair of the House Budget Committee, he proposed federal spending plans that would have repealed the 2010 health law and culled hundreds of billions from health care entitlement programs. During his time as secretary, Price backed the White House's proposal to cut \$6 billion from the National Institutes of Health and slash overall HHS spending by 18 percent. Congress has opposed those cuts.

On Thursday, Price said he regretted the concerns that his travel practices has raised.

"All of my political career I've fought for the taxpayers," Price said. "It is clear to me that in this case, I was not sensitive enough to my concern for the taxpayer."

To view online [click here](#).

[Back](#)

Pruitt won't cover costs for private flights [Back](#)

By Emily Holden | 09/28/2017 06:48 PM EDT

EPA Administrator Scott Pruitt doesn't plan to pay out of pocket for the \$58,000 worth of non-commercial flights he and his staff have taken on four occasions, according to an agency spokeswoman.

Pruitt has taken three private government flights and one chartered plane. EPA has said those flights represented the only travel options for reaching scheduled events in time, including taking an Air Force plane to New York at a cost of \$36,068.50 to travel to events ahead of an international energy ministers' meeting in Italy. The agency received [ethics approvals](#) from EPA's acting general counsel for three of the four trips.

"If a reimbursement was necessary, we would have been told during the approval process and acted accordingly," agency spokeswoman Liz Bowman said.

HHS Secretary Tom Price today said he would [write a personal check](#) to the federal government to cover the cost of his seat on private jet flights that cost more than \$400,000 since May.

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Senate Republicans offer mixed reviews on Pruitt's pricey plane trips [Back](#)

By Anthony Adragna | 09/28/2017 05:14 PM EDT

Senate Republicans were split Thursday over whether to condemn, defend or sidestep questions about EPA Administrator Scott Pruitt's expensive use of charter and military planes.

[Lisa Murkowski](#), who oversees the Appropriations subpanel responsible for EPA funding, said she was open to adding language to a spending bill that would prevent Pruitt from taking private flights, after reports this week revealed EPA spent more than \$58,000 for charter flights on private or government-owned planes. But the Alaska Republican said she hopes it doesn't come to that.

"I don't think it's appropriate," Murkowski said regarding Pruitt's and HHS Secretary Tom Price's use of private aircraft. "That is clearly something that the executive reins in. You tell your people, 'Look, there's no charter flights.' You set the standard. You set what is acceptable. And I think that should be done."

Pruitt used non-commercial flights during trips to Oklahoma, North Dakota and Colorado, as well as to ensure he made a connecting flight to an energy ministers meeting in Italy. The agency's general counsel signed off on the trips, though their high cost has drawn criticism as the Trump administration seeks to slash the agency's budget by one-third.

But not everyone was ready to criticize the trips.

Jim Inhofe (R-Okla.), the former Environment and Public Works chairman and a friend of Pruitt, defended the administrator's flights.

"If there is a problem with it, then there would be a rule against it and there isn't one," Inhofe told POLITICO in an interview. "That's why he checked first to make sure there wouldn't be a problem."

Current EPW Chairman John Barrasso (R-Wyo.) said he was "going to wait and see what comes out" before weighing in on the appropriateness of Pruitt's flights. He did not commit to holding a hearing on the issue, saying only that Pruitt would testify before the committee sometime this year.

Asked if it was generally appropriate for Cabinet officials to take private aircraft, or if he would have similarly held off criticism if it were an Obama administration official involved, Barrasso said, "I want to see what the information is." He added, "With Cabinet members, sometimes it's the only way to get from place to place."

Other Republicans declined to answer the broad question of whether Cabinet officials should take private transportation or said they were unaware of the details of Price and Pruitt's travel. "Good to talk with all of you," Majority Whip John Cornyn (R-Texas) told reporters when asked if Cabinet officials should fly in private jets.

Chuck Grassley (R-Iowa), meanwhile, said he has more questions about Pruitt's and Price's plane tabs. Grassley sent [a letter](#) to President Donald Trump requesting information on what steps Cabinet secretaries are taking to ensure the "most fiscally responsible travel."

Democrats demanded a full accounting of the trips and wanted to know if Trump officials are getting different treatment than Obama Cabinet members.

"I wonder why Scott Pruitt is different from [former EPA Administrator] Gina McCarthy in terms of his needs," Brian Schatz (D-Hawaii) said. "Whatever they need [in terms of security], I think we ought to give it to them, but they shouldn't get anything more than they need."

Tom Carper (D-Del.), top Democrat on EPW, called for Pruitt to testify in the near future.

"This is one of those situations where the best disinfectant is sunshine," Carper said.

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House Democrats want White House briefing on Puerto Rico [Back](#)

By Heather Caygle | 09/28/2017 02:02 PM EDT

House Democrats want top Trump administration officials to brief the caucus as soon as possible on what lawmakers say has been the White House's anemic response to the devastation in Puerto Rico and the U.S. Virgin Islands.

House Democratic Caucus Chairman Joe Crowley (D-N.Y.) on Thursday invited White House Chief of Staff John Kelly and acting Homeland Security Secretary Elaine Duke to come speak to the caucus, according to [a letter](#) obtained by POLITICO.

"We are deeply concerned by the unfolding humanitarian crisis in Puerto Rico and the U.S. Virgin Islands as a result of the recent devastating hurricanes, and what has seemed to be an inadequate response by the federal government to date," wrote Crowley and several other Democrats with close ties to Puerto Rico.

"Natural disasters know no political bounds and have no party affiliations. That is why a meeting between the both of you and the House Democratic Caucus is needed," they added.

Democrats also say they're concerned by reports that the White House might not send Congress a formal request for disaster aid until several weeks from now, something lawmakers say is unacceptable given the state of the two U.S. territories.

Puerto Rico remains without power and many of its 3.5 million U.S. citizens have limited access to basic human necessities including food and clean water. The U.S. Virgin Islands and its more than 100,000 inhabitants were also devastated by the storm.

Lawmakers on both sides of the aisle have chided the Trump administration for what they say is an indefensibly slow response to help the territories after they were devastated by Hurricanes Irma and Maria.

The White House [said Thursday](#) it would temporarily grant Puerto Rico a reprieve from the Jones Act, a decades-old law that blocks non-U.S. ships from transporting goods to the island.

The Trump administration denied a similar request two days ago, with the president telling reporters Wednesday that the shipping industry had objected to granting the waiver.

But some Democrats criticized the move saying the waiver — which will last for 10 days — doesn't provide nearly enough time for supplies to get to the island to start the rebuilding process. DHS has said the waiver can be extended if necessary.

Democrats, in the letter, inviting Kelly and Duke, say the administration should also be sending telecommunication supplies to Puerto Rico to restore phone service and refrigeration units for food and medicine.

"We also cannot forget that residents of Puerto Rico and the U.S. Virgin Islands are citizens of the United States, and they are deserving of our federal government's full attention and resources," the lawmakers wrote.

Other members who signed the letter include House Democratic Caucus Vice Chair Linda Sanchez (D-Calif.), Reps. Bennie Thompson (D-Miss.), Nydia Velázquez (D-N.Y.), José Serrano (D-N.Y.), Luis Gutiérrez (D-Ill.), Darren Soto (D-Fla.) and U.S. Virgin Island Delegate Stacey Plaskett.

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U.S., Mexico set aside Trump tensions for Colorado River deal [Back](#)

By Esther Whieldon | 09/29/2017 05:02 AM EDT

The water-sharing pact signed this week by the U.S. and Mexico emerged despite tensions caused by President Donald Trump's policies on immigration and trade, showing the negotiators' willingness to take on problems caused by shrinking supplies from the Colorado River, according to western water experts.

That deal signed Wednesday was supported by state water agencies and major users in both countries, and sets out procedures to reduce off-take during times of drought that are expected to persist for the foreseeable future.

"Water is the lifeblood of this region," Jennifer Pitt, Colorado River Project director for the National Audubon Society, said in an interview. "It is fundamentally important to the economies of southwestern U.S. and northwestern Mexico. ... It's just too important for the two countries not to have good relations over [it] and not have a plan in place about how to manage supplies reliably for that enormous population."

Representatives from the International Boundary and Water Commission of the United States and Mexico signed the pact, called Minute 323, that largely carries forward for another nine years a prior agreement that was due to expire this year. Water levels at the Colorado River's most important reservoir, Lake Mead, have been plummeting, and both the U.S. and Mexico could have faced the threat of mandatory supply cuts starting as early as next year.

The river supplies drinking water to tens of millions of people in both countries and irrigation for millions of acres of agriculture, both of which would suffer unless the countries reached a deal.

Federal officials failed to sign a deal before the end of the Obama administration, raising fears that Trump's calls to build a wall along the Mexican border and the reopening of NAFTA would undo years of progress in the negotiations. But the officials, supported by state water agencies and Mexico water license holders, knew they had to reach a deal or risk years of litigation in a crisis that would force them to choose between cutting off water supplies to farms and sensitive wildlife habitats or to major population centers.

"In a crisis, you would have winners and losers, and some of the biggest losers would be agriculture and the environment," said Ted Kowalski, director of the Colorado River initiative at the Walton Family Foundation. "I think it's highly unlikely the Bureau of Reclamation is going to turn off the city of Las Vegas or the city of Phoenix."

So the officials continued plodding away at negotiations, hoping the Trump administration would in the end agree to a deal.

The water agency officials were "largely insulated from the political conversation between Washington, D.C., and Mexico," said Chuck Cullom, Colorado River programs manager for the Central Arizona Project. The water managers "focused on providing the greatest benefits for the country and the communities ... rather than the political winds that might be blowing in a number of directions," he said in an interview.

The basin states made reaching a deal a top priority this year, according to Pitt.

"There's a long-standing balance of power between the states and the federal government on the Colorado River where the federal government tries to as much as possible defer to the states, who are really the owners of the water. So as the states made it clear to the incoming administration this was a priority, the administration said, 'We will support you on this,'" she

said.

A key sticking point in the negotiations had been Mexico's insistence that the lower basin states of California, Arizona and Nevada first agree to a drought contingency plan under which they would voluntarily conserve additional water beyond mandatory cuts in order to increase reservoir levels.

Mexico officials were worried they would be left holding the bag if a water crisis occurred before the states reached a deal. But Mexico eventually agreed to make additional cuts once the states pass a contingency plan.

Mexico is very dependent on the upstream dams in the U.S. for its water delivery, since a 2010 earthquake damaged its dams. But Mexico also took the position that the original 1944 treaty between the countries only required it to cut supplies if the U.S. suffered extreme drought, a vague term that left too much open to interpretation.

"That was a big concession for Mexico to follow our lead," said Tom Buschatzke, director of the Arizona Department of Water Resources. But the U.S. also agreed to fund \$31.5 million in water efficiency projects in Mexico through 2026 and to explore the possibility of investing in a desalinization plant that could help address future water supply challenges.

What made the deal possible is "the hard work that long preceded Trump," said Stephen Mumme, a political science professor at Colorado State University. "This is a classic example of ... a situation where not doing it could be really costly, and the sheer complexity of the number of players and the importance of the U.S. stake in this policy arena really overrode the Trump administration," he said.

"It's a good example in my mind of the limits of rhetorical breast beating and name calling and wall building."

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Suniva, SolarWorld modify remedy proposal in trade case [Back](#)

By Eric Wolff | 09/28/2017 07:20 PM EDT

Suniva and SolarWorld USA are pressing a U.S. trade panel to recommend that President Donald Trump institute either a floor price for imported solar equipment or tariffs plus a quota that caps the amount of solar panels and cells that can enter the country.

The two solar panel manufacturers filed a joint brief to the U.S. International Trade Commission, and each recommended different remedies, though they said that either option could be selected.

Suniva recommends a price floor for all solar modules that starts at 74 cents per watt and declines over the four years of the tariff, as well as tariffs for both modules and the solar cells. SolarWorld said it was seeking a quota of 220 MW on imported cells and 5,700 MW on imported modules.

"Both co-petitioners agree that an effective remedy must include either the co-petitioners' requested tariff plus Suniva's requested module floor price or the co-petitioners' requested tariff plus SolarWorld's requested quota," the companies said in a joint statement.

Briefs were due on Wednesday to the ITC, and the companies publicly released their proposals to today, excluding proprietary company information.

The ITC voted unanimously last week that low-cost imports had harmed the domestic solar manufacturing industry. Under the "safeguard" provisions of the Trade Act, Trump will have the final say in what tariffs to impose.

WHAT'S NEXT: The commission will have a hearing on remedies on Oct. 3.

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Zinke stacks staffing board with political aides, former lobbyists [Back](#)

By Ben Lefebvre | 09/28/2017 03:41 PM EDT

Interior Secretary Ryan Zinke has assigned only political appointees, including several former industry lobbyists, as members of an advisory board on staffing and personnel issues, a move critics say sidelines members of the government workforce who are supposed to get a seat at the table.

The makeup of the Executive Resources Board contradicts federal guidelines that recommend giving career employees an equal voice in such discussions, and it is fueling criticism Zinke is crowding out independent experts and giving too much voice to the industries his department oversees.

The nine-member board is being led by Deputy Secretary of the Interior David Bernhardt, a former [lobbyist](#) whose clients included oil and gas interests; Associate Deputy Secretary James Cason, who worked energy issues for Kelly, Anderson & Associates, Inc.; and White House liaison Lori Mashburn, among other political staff with history of lobbying for the oil and gas industry.

Zinke established the board to "oversee all aspects of the management of executive resources," including senior managers, scientists and policy staff at the department, according to an Aug. 11 [memo](#).

"This is very much of a pattern," said Chris Saeger, executive director of the Western Values Project, which obtained the memo through a Freedom of Information Act request and shared it with POLITICO. "They have made a practice of shuffling career staff, marginalizing them. They're sending a very clear message, that they want to consolidate power with people who are loyal to Zinke and President. "

Interior spokeswoman Heather Swift did not answer questions about why Zinke included only political appointees as members of the ERB. She did point out that two career employees, acting Deputy Assistant Secretary for Human Capital and Diversity Mary Pletcher and Deputy Solicitor for General Law Ed Keable, will serve as advisers to the board.

Zinke came under fire earlier this week when he questioned the loyalty of many Interior staffers, and he has previously raised eyebrows for shuffling senior employees into jobs they did not seem suited for, in one instance reassigning a manager overseeing climate change issues to a job collecting oil and gas royalties. Interior's inspector general has launched an investigation into the staff moves.

The secretary's decision does not comport with recommendations from the Office of Personnel Management, which has suggested that such boards consist of a mix of career staff, senior executive staff and political staff.

"It is not advisable to have an ERB that is exclusively or predominantly career executives, nor is it recommended to have an ERB that is exclusively or predominantly political appointees; both perspectives should be well represented to ensure a balanced view, when possible," OPM said in a 2009 report.

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House clears FAA stopgap, avoiding shutdown [Back](#)

By Lauren Gardner | 09/28/2017 04:24 PM EDT

Congress Thursday voted to extend the FAA's tax authority for six months after senators jettisoned private flood insurance language that had threatened the bill's chances, with just days before portions of the FAA's authorities were set to lapse.

After wrangling between the House and Senate over the flood insurance language, Congress wrapped the measure, H.R. 3823 (115), up two days before the FAA's authority to collect and spend excise taxes was set to expire.

Allowing that authority to lapse would have led to a partial shutdown of the FAA, affecting the agency's airport funding, equipment and research and development functions and leading to the

furlough of thousands of employees. (Air traffic control and safety operations would have continued, albeit without pay for the employees.)

The House was forced to act a third time on the measure after a bipartisan group of senators objected to the original package's language encouraging private insurance companies to enter the flood arena.

While some of those members support changes to the National Flood Insurance Program, they've argued that any effort to promote a private market should be considered as part of broader legislation that addresses the existing federal program.

"We can't have a situation happen where people can't sell or buy property because you can't get a mortgage unless you get flood insurance, and you can't get flood insurance because there's none available that's cost-effective," Sen. Marco Rubio (R-Fla.) said.

Thursday wasn't the first time this week the House had to take a mulligan on the extension bill.

GOP leaders put the legislation, which also includes tax relief provisions for victims of recent hurricanes and extensions for certain health care programs, on the suspension calendar Monday, meaning they needed two-thirds of lawmakers present to vote in favor of the bill for it to pass. But Democrats revolted, and the vote came up short.

House leaders then tweaked the bill to broaden eligibility for tax breaks to U.S. citizens in Puerto Rico and the U.S. Virgin Islands — addressing a criticism lobbed by Democrats — and prepared it for a quick floor debate where only a simple majority was needed for passage; it succeeded.

But senators who are active on NFIP policy began agitating against the House bill, with Senate Commerce Chairman John Thune conceding Thursday evening that his colleagues would likely change the bill and kick it back to the House.

House leaders had left themselves some breathing room for such a scenario through the way the rule governing debate on their bill was crafted. But it wasn't clear whether the Senate would try to jam the House until Thursday afternoon, when leadership surveyed lawmakers on whether they would object to an FAA extension that dropped the flood insurance language.

While this week's drama over the FAA extension was tied to policy outside the aviation space, House Transportation Chairman Bill Shuster (R-Pa.) is still gunning for a massive overhaul of the FAA's air traffic control operations.

His broader bill, H.R. 2997 (115), which would strip those functions from the agency and put them under the control of a nonprofit corporation, could get a floor vote next month, provided he rounds up enough support.

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Pruitt taps New York lawmaker for EPA Region 2 job [Back](#)

By Alex Guillén | 09/28/2017 11:27 AM EDT

EPA Administrator Scott Pruitt has picked New York Assembly member Pete Lopez to run EPA's Region 2 office, which covers New York and New Jersey — as well as the hurricane-devastated Puerto Rico and U.S. Virgin Islands.

Both territories suffered significant damage to their electric and water systems, with an estimated 42 percent of Puerto Ricans without access to potable water, [according to](#) the FEMA.

Lopez, a Republican, has been in the state assembly since 2007 and currently represents a district southwest of Albany. He ran to replace Rep. [Chris Collins](#) (R-N.Y.) but dropped out of the race early last year.

"His familiarity with the region and his experience working to solve environmental problems in New York will be invaluable in helping EPA serve Americans in the Northeast and the Caribbean," Pruitt said in a statement.

Judith Enck, the Obama administration's previous Region 2 chief, [told the Times Union](#) that Lopez "cares about the environment" and is "is as good as it's going to get in this administration."

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Subject: Suniva, SolarWorld modify remedy proposal in trade case

By Eric Wolff

09/28/2017 07:20 PM EDT

Suniva and SolarWorld USA are pressing a U.S. trade panel to recommend that President Donald Trump institute either a floor price for imported solar equipment or tariffs plus a quota that caps the amount of solar panels and cells that can enter the country.

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WHAT'S NEXT: The commission will have a hearing on remedies on Oct. 3.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/09/suniva-solarworld-modify-remedy-proposal-in-trade-case-093676>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Mon 10/9/2017 3:17:43 PM
Subject: Pruitt to sign Clean Power Plan repeal proposal Tuesday

By Alex Guillén

10/09/2017 11:14 AM EDT

EPA Administrator Scott Pruitt said today he will formally sign a proposal to withdraw the Obama administration's Clean Power Plan on Tuesday in Washington.

"That rule really was about picking winners and losers. Regulatory power should not be used by any power to pick winners and losers," Pruitt said at an event in Kentucky's coal country with Senate Majority Leader [Mitch McConnell](#).

"The last administration just simply made it up," he continued, referring to the regulation that was designed to curb carbon emissions from power plants. "When you think about the Clean Power Plan, it was not about regulating to make things regular. It was truly about regulating to pick winners and losers."

Text obtained by POLITICO on Friday [shows](#) EPA will argue that the Clean Power Plan exceeded EPA's regulatory authority by requiring fuel shifting. Pruitt reiterated that point in his remarks today.

"They really interpreted that 'best system of emission reduction' as generating electricity in ways that they didn't want to use fossil fuels, so they used authority to do otherwise," he said.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/10/pruitt-to-sign-clean-power-plan-repeal-proposal-tomorrow-094065>

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From: CEO Report
Sent: Mon 12/4/2017 12:02:17 PM
Subject: CEO Report, presented by National Geographic: Will Congress get it all done by the holidays?
— Net neutrality repeal vote — interest rate watch

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12/04/2017 07:00 AM EDT

By SARA SMITH (ssmith@politico.com)

Welcome to the December edition of the CEO Report, POLITICO Pro's high-level outlook on the policy issues driving the month ... and beyond.

TAX

Racing to reconcile two tax overhaul bills by Christmas: December is the make-or-break month for Republican plans to rewrite the tax code, at least if they want to meet their self-imposed deadline of getting a package to President Donald Trump by year's end, report Pro Tax's Brian Faler and Toby Eckert. The Senate and House have passed separate plans, and there are some [big differences to work out](#), notably:

— The House version would cut the rate on pass-through businesses to 25 percent, while the Senate would give them a 23 percent tax deduction for certain income and continue to tax them overall at individual rates.

— The Senate wants to eliminate Obamacare's mandate that individuals have health insurance or pay a fine. The House bill would keep the mandate.

— The estate tax and alternative minimum tax — both long targeted by Republicans for elimination — are also treated differently. The House would boost the amount of money exempted from the estate tax and eventually eliminate it. The Senate would boost the exemption but keep the tax. The House would also abolish the AMT, which was created to ensure that wealthy people don't escape taxes entirely but has begun reaching into the middle class. The Senate decided to keep it.

— The House would cut the maximum mortgage interest deduction in half — limiting it to the interest on \$500,000 in mortgage debt, down from \$1 million now — and eliminate it entirely on mortgages for second homes. The Senate targeted only the interest write-off on home equity loans, which it would end.

The bills also differ on how they treat education-related tax breaks, corporate interest expenses and taxing multinational corporations, among others.

None of these, however, are considered deal-breakers.

House Speaker [Paul Ryan](#) today plans to appoint members to a conference committee to work out the differences, and Senate Majority Leader [Mitch McConnell](#) is expected to do the same this week.

**** A message from National Geographic:** National Geographic has given more than 13,000 grants to scientists and conservationists who explore our changing planet and help protect the things that make it amazing. We've helped protect 5.2 million square kilometers of ocean, prevented 2,600 big cat deaths, and much more. Make an impact with us at [NatGeo.org](#). **

DATAPOINT

Pass-through deduction changes win support: The Senate's tax reform legislation includes last-minute changes to allow pass-through businesses to deduct a slightly higher percentage of business income. The move secured the support of Sen. [Steve Daines](#), who had been concerned about the treatment of pass-throughs relative to C corporations. Sen. [Ron Johnson](#) has raised similar concerns, and he supported the bill as well. — *Taylor Thomas*

View the full graphic [online](#) and find out more about DataPoint [here](#).

BUDGET & APPROPRIATIONS

Stopgap rollercoaster ride: Prepare for one shutdown scare after another this month as Republican leaders [attempt a string](#) of short-term funding extensions. The spending bill Congress cleared in September only keeps the government running through Friday. And since lawmakers have yet to settle on updated levels for the whole fiscal year, stopgap spending is back on the table — times two.

GOP leaders [plan](#) to subject themselves to multiple nail-biter funding votes over the next few weeks, with one wedged up against Christmas Eve. The idea is to extend funding until Dec. 22 and then pass another stop-gap that would fund the government until sometime in January, with the hope of clearing a full-year package not too long after the start of the new year.

The two-part plan is meant to appease defense hawks who refuse to close out December without at least a promise of elevated funding for the military. Leaders aim to

settle on overall caps for defense and non-defense money by that Dec. 22 deadline. But neither December vote is a sure bet for passage. Congress' fiscal conservatives say a pre-Christmas vote is never advantageous to their cause since it cedes leverage to the minority party. And in the Senate, leaders need the votes of at least eight Democrats, who may be willing to play hardball in an attempt to get concessions such as protections for young undocumented immigrants.

Always ripe for additions, any year-end spending bill is also at risk of getting tied up by other urgent efforts. This time, that could mean extending funding for the Children's Health Insurance Program, reauthorizing the National Flood Insurance Program, raising the debt ceiling or clearing another disaster aid package.

Speaker Ryan has said, however, that disaster relief funding is unlikely to hitch a ride on the spending bill Congress will try to pass this week. And the Congressional Budget Office has just provided a more optimistic assessment on the debt ceiling, predicting the nation won't risk defaulting on its loans until the end of March or early April — further down the road than the Treasury Department's previous estimate. — *Jennifer Scholtes*

CYBERSECURITY

The midnight hour is nigh: The day of judgment is finally arriving for a set of online surveillance tools that expire at year's end. Congress has just a few legislative days left to find a way to renew the powerful snooping effort authorized under Section 702 of the Foreign Intelligence Surveillance Act. And as the clock winds down, lawmakers have yet to coalesce around one approach to renewing — and possibly revising — the 702 statute.

After the House Judiciary Committee spent weeks pushing a renewal measure that contained significant alterations — including some fiercely debated warrant requirements for FBI officials seeking to view Americans' digital communications in certain situations — the Intelligence panels in the House and Senate decided to plow forward with their own renewal measures that contain fewer revisions and no warrant requirements. And the leaders of both Intelligence panels have indicated they may have to attach their 702 measures to a must-pass bill, such as legislation to avert a government shutdown.

The move has enraged privacy and civil liberties-minded lawmakers on both the right and left, who insist that a strict warrant requirement is necessary to protect the constitutional rights of Americans whose online chatter is incidentally sucked into the NSA's foreign surveillance database. But Trump administration officials have warned that such a provision would hamper criminal and terrorism investigations.

Protecting future elections: In the coming weeks, House Democrats will roll out a bill they believe will help harden the digital defenses of the country's election system. It will

be the latest in a slew of legislative offerings — many of them bipartisan — Capitol Hill has received this year to inoculate future U.S. elections from foreign meddling. But there's been few signals that Congress will take swift action. And for some critical targets, it might already be too late. By this point during the 2016 election cycle, Russian hackers had already been in the Democratic National Committee's networks for at least three months.

Tell her about it: Expect lawmakers to keep Uber in the spotlight after the ride-hailing giant recently revealed it had covered up a 2016 data breach by paying off the digital thieves to keep quiet. The incident — which has spawned multiple government investigations and lawsuits — has once again spotlighted the lack of a nationwide standard for when companies must notify victims and regulators following cyber intrusions. The issue was already front and center after the mammoth Equifax data breach, which exposed over 145 million Americans' private data, with several lawmakers introducing proposals for such a law. But none of the offerings have moved, and with a packed congressional calendar, lawmakers don't seem poised to act soon.

Kaspersky be gone: Federal agencies have until mid-December to start removing Russia-based Kaspersky Lab software from their computer systems. The Department of Homeland Security in September barred the government from using the antivirus giant's tools, citing concerns that the software could give the Kremlin a foothold in the U.S. government. For years, Kaspersky has fended off allegations that it assists the Kremlin with its digital espionage efforts. Those fears came to a head in October when several news outlets reported that Moscow had obtained secret National Security Agency cyber weapons through Kaspersky's software, which had apparently picked them up from an NSA employee's personal computer. Kaspersky has vehemently denied it handed the NSA tools over to the Kremlin, suggesting that Russia-linked malware on the staffer's computer nabbed the classified files. — *Cory Bennett*

TECHNOLOGY

Net neutrality vote : After months of buildup, the Republican-led FCC is poised to fully dismantle the agency's net neutrality rules this month. GOP commissioners are expected to approve the repeal at the FCC's Dec. 14 meeting over the objections of the minority Democrats. That will open the door, at least in theory, for internet service providers to block or throttle websites, or charge businesses for internet "fast lanes" to consumers. While the FCC says the Federal Trade Commission will be able to curtail companies that engage in anti-competitive behavior, digital activists fear the internet will slowly turn into something akin to cable service, with different tiers. They also warn it will create an uneven playing field for businesses, with startups and small firms unable to pay for the same access to consumers. The repeal is widely expected to end up in court, with some combination of public interest groups filing a lawsuit to challenge the decision. So in the end, judges, not regulators, may have the final say.

AT&T-Time Warner lawsuit : Another big telecom lawsuit is already playing out in court, as the Justice Department battles AT&T and Time Warner over the government's decision to block their \$85 billion merger. It's shaping up to be a groundbreaking case, with the DOJ arguing the combined company would have too much power and the firms contending the government broke with years of precedent in rejecting their "vertical" deal, which doesn't eliminate a direct competitor. Hovering over the proceedings are the words of Trump, who has said he doesn't like the merger and makes a habit of attacking Time Warner's CNN over its coverage of his administration. While AT&T and Time Warner, in their initial legal response to the government's lawsuit, didn't make an issue of the president, many expect the companies will seek to explore potential White House meddling with the antitrust decision. When the negotiations began to break down in early November, sources close to the deal told POLITICO that it was clear the Justice Department wanted AT&T and Time Warner to get rid of CNN, something DOJ officials denied. — *Angela Greiling Keane*

ENERGY

Arctic oil drilling: Republicans are on the cusp of getting a policy change they've sought for more than two decades: opening the Arctic National Wildlife Refuge in Alaska to oil and gas drilling. The language, authored by Senate Energy Chairwoman Lisa Murkowski and attached to the GOP tax plan, directs Interior to hold two lease sales over the next decade, which the Congressional Budget Office has said would raise \$1 billion. Previous attempts to open ANWR during the Bill Clinton and George W. Bush presidencies failed, and it faces staunch opposition from environmental groups and Democrats. But with the current legislation moving under the budget reconciliation process, it would avoid a Democratic filibuster.

Electric grid resiliency: The electricity market regulators at FERC have promised to take action by Dec. 11 on a proposal pushed by Energy Secretary Rick Perry to help keep coal and nuclear power plants afloat in the name of bolstering grid resiliency. It's anyone's guess what the FERC action might look like, but Perry's push has drawn opposition from interests as varied as the renewable energy industry, many power generators and the oil and natural gas sector. The chief FERC proponent, Neil Chatterjee, has called for establishing an interim measure to protect coal and nuclear power plants, but he's likely to face opposition from his colleagues. — *Anthony Adragna*

FINANCIAL SERVICES

Interest rate watch: Federal Reserve policymakers will meet Dec. 12-13 to decide whether to raise interest rates. Though they are expected to hike rates for the third time this year, it's not a slam dunk. While outgoing Fed Chair Janet Yellen told lawmakers on Nov. 29 that she expects the economy to continue to expand and the job market to

strengthen, she has expressed puzzlement that inflation is so tame. Other Fed officials have underscored that concern, although they still seem to be leaning toward a December move. Gov. Jerome Powell, Trump's pick to replace Yellen as Fed chief, told senators last week that a case for raising rates "is coming together."

Less stress for lenders: On the bank regulation front, the Fed is also likely to propose making more information available about its annual stress tests for lenders. The idea is to help banks better gauge whether their estimated losses under extreme market conditions are in line with the Fed's models. Banks have complained the criteria for passing the tests has been vague — a perhaps intentional move by Fed officials to keep the examinations from becoming too predictable.

A bank bill with legs: The Senate Banking Committee on Tuesday is expected to approve a landmark bill that would ease regulations for a number of small and regional banks. The legislation — which has rare bipartisan support — is the most significant attempt by the Senate to rewrite financial rules since the 2010 Dodd-Frank law. Analysts say the bill probably has enough backing to clear the full Senate, though that might not happen until next year.

The committee also set its confirmation vote for Powell for that same day.

Blowing through flood insurance deadline: Congress appears unlikely to pass a long-term reauthorization and overhaul of the National Flood Insurance Program before the Dec. 8 expiration date. A short-term extension will likely be needed to keep the program fully functional. That could push the issue into 2018 — an election year — when lawmakers may be even more reluctant to debate a high-stakes program that millions of coastal Americans rely on.

Fannie-Freddie buffer: Officials at Treasury and the Federal Housing Finance Agency are working on a plan to let Fannie Mae and Freddie Mac maintain a capital buffer, and could make an announcement this month. The clock is ticking: Come January, both mortgage giants will have exhausted their financial assets as part of a bailout deal struck after the housing collapse. — *Mark McQuillan*

TRADE

WTO reproach? Front and center on the trade calendar is the Dec. 10-13 World Trade Organization ministerial conference in Buenos Aires, where U.S. Trade Representative Robert Lighthizer could offer a further rebuke of the failings he sees in a rules-based system. Lighthizer and other Trump administration officials have criticized the WTO and other global agencies for what they see as overreach and hindering economic growth.

Meanwhile, trade ministers from 11 countries working to salvage the Trans-Pacific Partnership could meet on the sidelines to advance the pact abandoned by the U.S.

earlier this year.

NAFTA slog: NAFTA talks will continue with chief negotiators meeting the week of Dec. 11 in Washington, D.C. The meeting will lay the groundwork for the formal sixth round of talks, in Montreal in late January. Mexican Economy Secretary Ildefonso Guajardo recently said he was optimistic negotiators could close chapters on food safety and inspection, regulatory practices, telecommunications and energy at the D.C. meeting.

Trade bill watch: On Capitol Hill, two bills could also find their way into stopgap spending discussions. Congress will have to act to prevent the Generalized System of Preferences, a program designed to boost developing countries' economies, from expiring by the end of the year and pass a new Miscellaneous Tariff Bill, which reduces or suspends import tariffs on certain products.

Big decisions: Meanwhile, the U.S. International Trade Commission will make its final injury determination on imports of Canadian softwood lumber on Thursday. Canada has already announced it will dispute U.S. anti-dumping and countervailing duties through a NAFTA panel and at the WTO. On Tuesday, the panel will also make a final determination on whether imports of biodiesel from Argentina and Indonesia are hurting U.S. producers. — *Adam Behsudi*

DEFENSE

Increasing defense spending : To boost spending to the level proposed by the defense policy bill, congressional leaders will have to cut a bipartisan deal to increase caps on defense and domestic spending. So far, Republicans and Democrats haven't agreed on spending levels, but congressional leaders had considered a two-year deal that would boost defense by \$54 billion a year above the caps, putting the defense budget even with the president's \$603 billion budget request. Without a deal, however, lawmakers will be forced to pass another continuing spending resolution by Friday to keep the government open through late December.

Defense policy bill finally on Trump's desk: The National Defense Authorization Act has been sent to the White House, where Trump is expected to sign it. The measure, which calls for nearly \$700 billion in defense spending for the current 2018 fiscal year, easily cleared the House and the Senate last month.

Key Pentagon nuclear report in the offing: A major study of the nation's nuclear forces is wrapping up. The Nuclear Posture Review, expected to be finished early in the new year, will lay out the administration's roadmap for modernizing and structuring the U.S. nuclear arsenal — an endeavor that could cost \$1.2 trillion. — *Connor O'Brien*

EMPLOYMENT & IMMIGRATION

Democrats threaten shutdown over DACA: The fate of nearly 800,000 undocumented immigrants approved for the Deferred Action for Childhood Arrivals program hangs in the balance as Congress races to reach a spending agreement by Friday. Congressional Democrats have said they are prepared to shut down the government if a year-end spending bill doesn't codify DACA, which otherwise will start to wind down in March. The program shields from deportation so-called DREAMers, undocumented immigrants brought to the U.S. as children.

McConnell has said he's open to a legislative solution, but that any such bill would also have to tighten legal immigration, a move most Democrats oppose. Attaching DACA to the spending bill, McConnell said Sunday, would be "ridiculous" because that's "a non-emergency that we can address anytime between now and March." (Trump opposes putting DACA into the spending bill, too.)

Immigration crackdown lags promises: U.S. Immigration and Customs Enforcement acting Director Thomas Homan has promised to ring in the new year by stepping up enforcement actions against businesses that employ undocumented workers.

The president made cracking down on illegal immigration a central focus of his first year in office, and in October, Homan said he wanted to increase worksite investigations "four to five times." Such investigations have never been popular with the pro-business Republican base. Even so, Homan said he was serious. "Not only are we going to prosecute the employers that have knowingly hired illegal aliens," he said. "We're going to detain and remove the illegal alien workers."

Should that occur, it would be a reversal of the trend under Trump thus far, which has been fewer rather than more worksite enforcement actions. Under Barack Obama, ICE conducted an average of 2,014 audits of I-9 worker authorization forms that businesses are required to complete each year. Under Trump, ICE conducted only 420 audits. Criminal arrests tied to workplace investigations are down, too. Under Obama, ICE averaged 416 such arrests per year; under Trump, that dropped to 97 arrests. — *Ted Hesson*

EDUCATION

Higher Education Act reauthorization heats up: The House and Senate education committees have started on the first reauthorization of the sweeping higher education law in nearly a decade. The House plan, which would make major changes to the law, including some likely to please for-profit colleges, has already drawn Democratic criticism. The Senate, meanwhile, has struck a more bipartisan tone, kicking off its reauthorization process with a friendly hearing on simplifying the application for federal student aid — something nearly everyone agrees should happen.

Confirmation hearings continue: Two more Education Department nominees will face the Senate HELP Committee this month. Kenneth Marcus, Trump's pick to lead the department's Office for Civil Rights, and Johnny Collett, the nominee to be assistant secretary for Special Education and Rehabilitative Services, will face questions from the committee on Tuesday. Both are likely to draw scrutiny from Democrats, who have been critical of the Trump administration's approach to civil rights and special education issues.

'Gainful employment' negotiations get underway: The Trump administration will kick off its efforts to rewrite the Obama-era "gainful employment" rule, which cuts off federal funding to career college programs that produce graduates with large student loan debt relative to their earnings. The first round of negotiations begins today at the Education Department.

More ESSA approvals on the horizon: States that submitted their Every Student Succeeds Act plans to the Education Department this fall should see federal feedback this month. The Trump administration's reviews of the state K-12 education plans have drawn criticism from Democrats, including Sen. Patty Murray (D-Wash.), the ranking member of the HELP Committee. She accused Education Secretary Betsy DeVos of violating ESSA and called for her to testify before the committee. — *Benjamin Wermund*

TRANSPORTATION

Dead calm on infrastructure, FAA plan: The two marquee legislative issues that have been pending for some time — Trump's promise of a \$1 trillion infrastructure plan, and a House FAA bill that would separate air traffic control operations from the FAA — are both still pending, and likely will be through December. Pennsylvania Republican Bill Shuster, the architect of the House's FAA bill, hasn't given up hope yet — but each day that passes without the bill being brought to the floor makes it more likely the effort is kaput, at least for now. And Trump's long-promised infrastructure plan appears to be suffering the same fate — although a White House adviser promised recently that a 70-page draft of principles for Congress to follow in drafting a bill will be coming soon, possibly in January.

Driverless cars gain traction: There is one closely-watched piece of legislation that is moving — a package of policies intended to help grease the skids for developing and deploying driverless cars. The House has already passed its bill, and the Senate could follow suit soon. — *Kathryn Wolfe*

AGRICULTURE

Top lawyer in limbo? Agriculture leaders will be watching closely to see if the Department of Agriculture can finally get its top lawyer confirmed this month. General counsel nominee Stephen Vaden — who has functioned as deputy general counsel since March — had his hearing before the Senate Agriculture Committee in early November, but there's still no word on when the committee might approve him or when the full Senate might take up his nomination. That delay has sparked buzz about why he hasn't advanced. Vaden has come under fire from Democrats for past work on state voter ID laws, which some argue were designed to restrict the voting access of blacks and other minorities. And during his time at USDA, he's run afoul of the union that represents the department's lawyers.

Delays in USDA staffing: Bill Northey, the pick to head Agriculture Secretary Sonny Perdue's newly created farm services and conservation mission area, was expected to sail through the Senate after the Ag committee greenlighted his nomination in October. But he's been held up by Ted Cruz and eight other senators in a battle with the Trump administration over its plans for the Renewable Fuel Standard — which was released late last week without any input from Cruz and company, who had made a meeting to discuss the RFS a condition of the hold. The day after the RFS rule was released, it was reported Trump had agreed to a meeting, which is planned for Thursday.

Missing pieces: No one has been named for four undersecretary posts — natural resources and the environment; food, nutrition and consumer services; food safety; and, after Sam Clovis withdrew from consideration last month, undersecretary for research, education and economics. The result: USDA is heading into 2018 — a farm bill renewal year — with a skeleton leadership team.

PAYGO watch: Senate passage of the tax bill has raised questions about whether lawmakers will be able to waive the pay-as-you-go rule — a scenario that would force steep cuts to pay for the \$1.5 trillion tax cut, and would target farm safety net programs, though the Supplemental Nutrition Assistance Program would be exempted. Republican leaders have pledged to waive the rule to avoid triggering such cuts — but in this Congress, anything can happen. — *Helena Bottemiller Evich*

HEALTH CARE

Trump's first Obamacare enrollment wrapping up: The first-ever Obamacare sign-up season of the Trump era comes to a close Dec. 15, with the law's supporters hoping for a major enrollment surge with less than two weeks to go. Roughly 2.8 million people signed up through HealthCare.gov as of late November, according to the most recent HHS figures, putting enrollment on pace to fall well short of last year's numbers. (Those numbers don't include enrollment in nearly a dozen state-run insurance marketplaces.) The pace tends to pick up near the end of the sign-up season, but there are a number of Trump-induced factors that could depress enrollment in the final weeks: The administration cut this enrollment period in half to six weeks, slashed advertising by 90

percent and is backing a provision in the tax bill to eliminate the requirement to have health insurance. — *Jason Millman*

EHEALTH

Advancing telemedicine? The health IT world is on the lookout for telemedicine nuggets in end-of-the-year spending legislation. Either of the expected continuing resolutions could include the Ways and Means "extenders" deal that would make it easier for private Medicare Advantage health care plans to offer and get reimbursement for telemedicine.

Data sharing : The Office of the National Coordinator for Health IT says it expects to release a draft of the trusted exchange framework, a set of principles to encourage increased health data sharing among providers, electronic health record vendors, and health information exchanges. The ONC's creation of the trusted exchange framework is a requirement of last year's 21st Century Cures Act. — *Arthur Allen*

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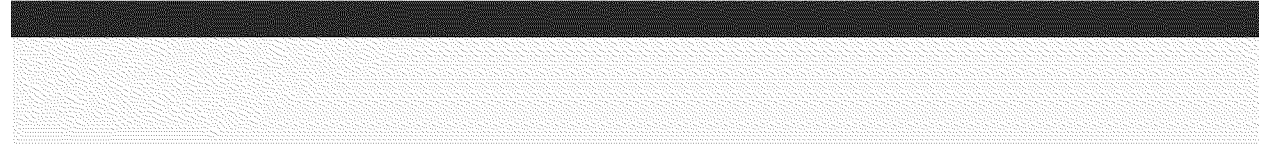
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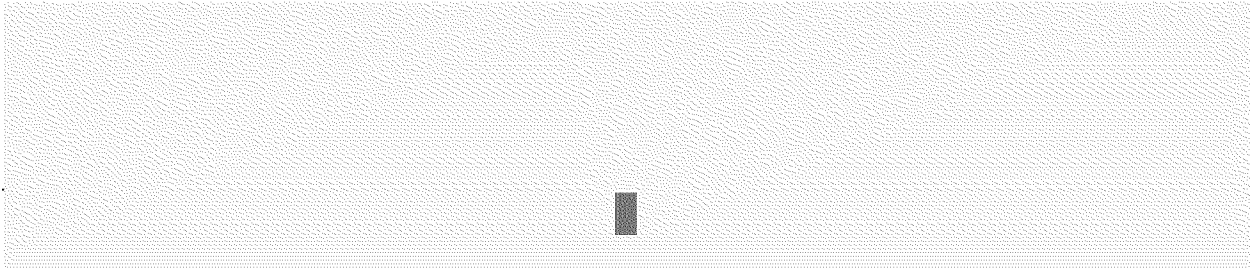
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Subject: Morning Consult Washington: Judge Sides With Trump in CFPB Standoff



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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 9/28/2017 10:51:58 PM
Subject: Pruitt won't cover costs for private flights

By Emily Holden

09/28/2017 06:48 PM EDT

EPA Administrator Scott Pruitt doesn't plan to pay out of pocket for the \$58,000 worth of non-commercial flights he and his staff have taken on four occasions, according to an agency spokeswoman.

Pruitt has taken three private government flights and one chartered plane. EPA has said those flights represented the only travel options for reaching scheduled events in time, including taking an Air Force plane to New York at a cost of \$36,068.50 to travel to events ahead of an international energy ministers' meeting in Italy. The agency received ethics approvals from EPA's acting general counsel for three of the four trips.

"If a reimbursement was necessary, we would have been told during the approval process and acted accordingly," agency spokeswoman Liz Bowman said.

HHS Secretary Tom Price today said he would write a personal check to the federal government to cover the cost of his seat on private jet flights that cost more than \$400,000 since May.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/09/pruitt-wont-cover-costs-for-private-flights-093673>

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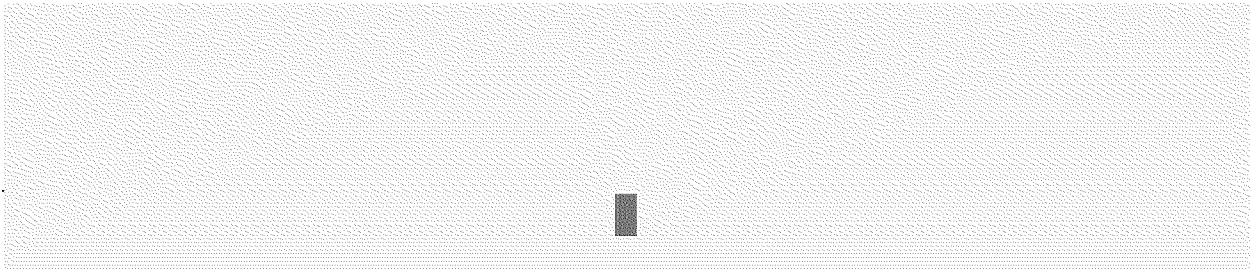
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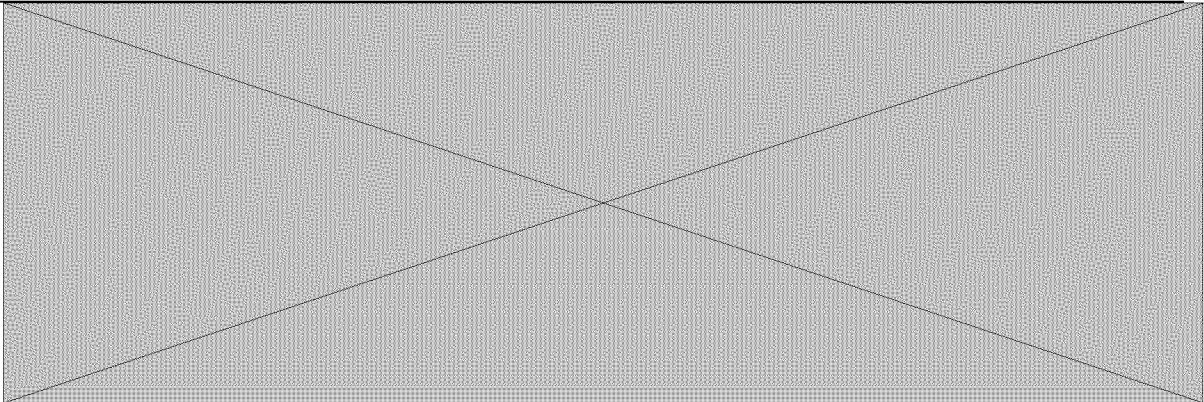
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The Pro newsroom has assembled must-read [stories](#) and [scoops](#) from the 2017 Pro Policy Summit for you. Additionally, video content and highlights from the summit are now posted. You can access video content on the [Pro Summit website](#). Highlights include:

- Business and the Trump Administration: An Interview with Secretary of Commerce Wilbur Ross
- Tax Reform and The Trump Administration: An Interview with Secretary of the Treasury, Steve Mnuchin
- NAFTA: The View from Canada and Mexico: A discussion with Canadian Ambassador David MacNaughton and Mexican Ambassador Gerónimo Gutiérrez Fernández

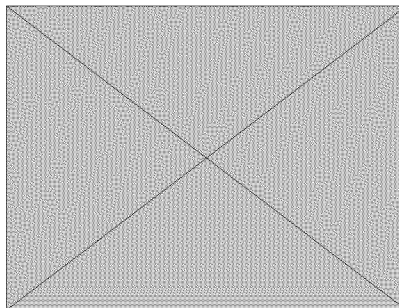
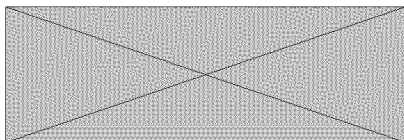
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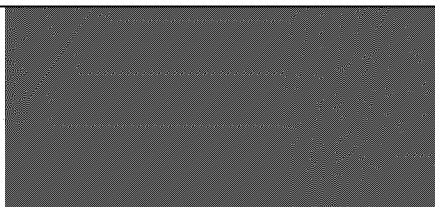
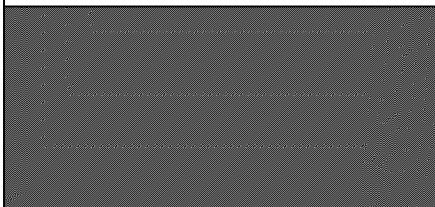
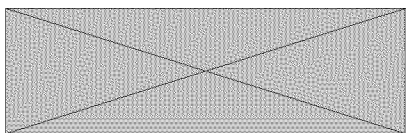
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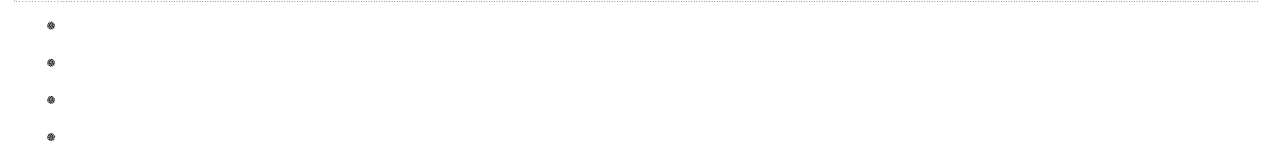
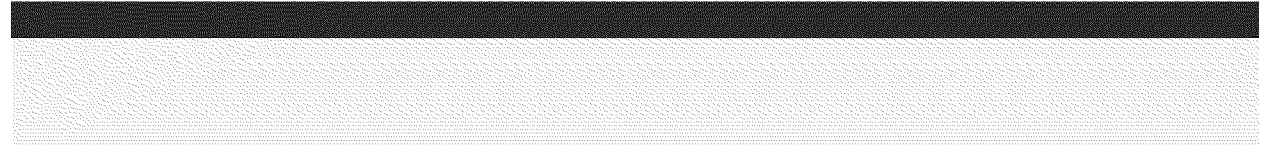


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Subject: Morning Consult Washington, Presented by the Electronic Payments Coalition: Week in Review & What's Ahead



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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy
Sent: Wed 11/29/2017 10:44:11 AM
Subject: Morning Energy: ANWR skating under the radar in broader tax fight? — White, Wheeler get EPW votes today — Pruitt heads to Iowa Friday

By Anthony Adragna | 11/29/2017 05:42 AM EDT

With help from Darius Dixon

ANWR SLIPPING THROUGH BELOW THE SURFACE? With Senate Republicans barreling towards a floor vote on their [tax package](#) as soon as this week, Democrats are worried their battle to keep oil and gas drilling out of the untouched Arctic National Wildlife Refuge is being lost in the broader debate, Pro's Ben Lefebvre [reports](#). "It's really not gotten the attention that it should," Sen. [Tammy Duckworth](#) said of [legislation](#) that easily cleared the Energy and Natural Resources Committee. "It's not just the budget discussion. It's about everything else that's going on, the flurry of all sorts of other news."

Democrats don't have the votes to stop ANWR drilling since it's hitching a ride on the tax bill moving under budget reconciliation rules. The Budget Committee cleared its filibuster-proof package Tuesday, and there were several other signs of momentum for the GOP tax overhaul effort, POLITICO's Seung Min Kim, Bernie Becker and Colin Wilhelm [report](#). Sen. [Susan Collins](#), a key swing vote who's opposed ANWR drilling in the past, said she'd "certainly try" to remove drilling language from the package but that doing so would not be a prerequisite for her support of the overall bill.

It wasn't always this way. President Bill Clinton vetoed a budget package in 1995 over ANWR, and Democrats fought off another attempt to open a slice of the refuge 10 years later. But this time around, the issue "hasn't drawn as much extremist opposition because it is completely overshadowed by tax reform," says Chris Guith, senior vice president of the U.S. Chamber of Commerce's Global Energy Institute. Environmentalists decried that approach. Republicans "know they can't pass it under regular order, that's why they're doing a sneak attack," said Tiernan Sittenfeld, the League of Conservation Voters' senior vice president of government affairs.

Environmental groups have targeted a few congressional districts with ads opposing ANWR drilling. Vet Voice Foundation and Sierra Club Military Outdoors released ads Tuesday urging GOP Reps. [Brian J. Mast](#) and [Lee Zeldin](#) not to support the final tax proposal. The ads highlight what the groups say are the unacceptable risks of ANWR drilling. Sample ad [here](#).

Senate Energy Chairman [Lisa Murkowski](#)'s ANWR push directs Interior to hold two lease sales over the next decade and CBO said it would raise \$1 billion over that period, meeting budgetary instructions. But critics argue the Republican tax package would actually harm energy-producing states. That's because it would trigger required "pay-as-you-go" cuts to mandatory spending programs, such as an energy royalty revenue sharing program carried out through the Mineral Leasing Act that would cost Murkowski's Alaska [an estimated \\$15 million](#) in energy royalty payments next year alone. "This is yet another example of the consequences associated

with forcing through legislation to add \$1.5 trillion to the deficit in order to give tax cuts to the wealthy," House Minority Whip [Steny Hoyer](#) said in a statement.

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and the Union of Concerned Scientists' Katherine Catalano named former Hawaii Rep. Patsy Mink as the most recent person to win reelection posthumously. For today: Alabama Sen. [Richard Shelby](#) was once part of a group of conservative southern Democrats known by what name? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#) and [@POLITICOPro](#).

DECISION DAY IN EPW: Two key Trump administration nominations, Kathleen Hartnett White's selection to run the White House Council on Environmental Quality and Andrew Wheeler's to be EPA's No. 2, get votes today at Senate EPW, where they're expected to pass on a party-line vote. Chairman [John Barrasso](#) confidently told reporters he anticipated both clearing the panel, though the wild card (at least for White's nomination) is Iowa's [Joni Ernst](#). White didn't win Ernst's backing immediately after [backtracking](#) on her previous sharp criticism of the Renewable Fuel Standard during her confirmation hearing, and her office didn't respond to requests for comment on her current stance. White's responses to questions for the record from ranking member [Tom Carper](#) are [here](#).

WELL, I SWEAR (IN): It's not clear exactly when it will happen, but Democrat Rich Glick formally joins FERC at some point today. There's no word on when Kevin McIntyre, Trump's pick to be FERC chairman, will be sworn in, but ME is reupping Chairman Neil Chatterjee's [words from Tuesday](#) pushing back on some rumblings: "There is no intentional delay or dragging things out to some nefarious end. ... It's simply a matter of timing, prioritization, getting documents signed and once the documents were signed. ... People have to unwind their own professional obligations in their current jobs."

PRUITT'S TRAVELS: EPA Administrator Scott Pruitt reportedly plans to swing by Iowa Friday, one day after the final biofuel volumes are due under the Renewable Fuel Standard. Iowa Agribusiness Radio Network [reports](#) Pruitt will attend an invite-only town hall in the city of Nevada (confusing, ME knows).

Pruitt also made a day trip to Disney World on Monday to highlight a program taking food waste and converting it into electricity, the Wall Street Journal [reports](#). One comment he made: "When you think about those things, the Paris [climate] accord or the CPP, none of those produce results."

Back for more: Meanwhile, EPA gathers in Charleston, W.Va., for its second day of public testimony on its proposed repeal of the Clean Power Plan. Pruitt did not attend Tuesday's opening of the agency's only public hearing on the subject and hasn't announced plans to show up today. The agency didn't respond to requests for comment.

If Tuesday was any indication, don't expect a ton of new developments. A preliminary list of witnesses for Day Two is available [here](#). Nearly 550 members of Environmental Entrepreneurs urged Trump and Pruitt not to move forward with their planned withdrawal in [a letter](#). And

Climate Hawks Vote released [an analysis](#) Tuesday finding a much more muted reaction from both parties to the proposed repeal than its original proposal or Trump's withdrawal from the Paris climate accord

TILLERSON TALKS EUROPEAN ENERGY COOPERATION: Secretary of State Rex Tillerson said in Tuesday [remarks](#) the U.S. would work to ease rules on shipping crude oil and liquid natural gas to Europe given Russia has previously used energy as a "political weapon." "We're eager to work with European allies to ensure the development of needed infrastructure like import terminals and interconnecting pipelines to promote the diversity of supply to Europe," he added during remarks at The Wilson Center.

LAWSUIT FILED OVER CADIZ APPROVAL: Two advocacy groups — the Center for Biological Diversity and Center for Food Safety — filed [a lawsuit](#) challenging the administration's [effective approval](#) of a proposed Cadiz Inc. water pipeline in California's Mojave Desert back in October. The legal challenge argues BLM's decision to allow Cadiz to use an existing railroad right of way is "illegal."

California Sen. Dianne Feinstein, a longtime opponent of the project, hailed the lawsuit: "The company's recent 'pause' indicates it has no plan to address the many problems associated with its project. Instead, it relied on its friends in the Trump administration to clear any hurdles. This lawsuit shows Cadiz that won't happen without a fight."

AROUND THE HILL TODAY! LOOKING AT AGENCY DEREGULATORY ACTIONS: Two House Oversight subcommittees hear from senior EPA, Interior and DOE officials on their implementation of deregulatory executive orders today at 10 a.m. Deputy Interior Secretary David Bernhardt; Daniel Simmons, who runs DOE's energy efficiency and renewables office; and Brittany Bolen, EPA's deputy associate administrator in its Office of Policy, all testify. If lawmakers and their staffs are feeling particularly wonky, Simmons' appearance would be a good chance to ask about DOE's [information request](#) this week aimed at vetting ways of getting "additional flexibilities" into its appliance efficiency rulemaking process. More [here](#).

Taking a look at NEPA: The House Natural Resources Committee holds [a hearing](#) entitled "Modernizing NEPA for the 21st Century" today at 10 a.m. It'll then kick off [a markup](#) on seven bills with opening statements at 4 p.m. (more on those bills in Thursday's ME).

WOTUS gathering: ME goofed Tuesday and the House Science subcommittee hearing on the future of the waters of the U.S. regulation is actually today at 10:15 a.m. Former Obama-era EPA waters chief Ken Kopocis is among those testifying. Watch [here](#).

E&C looks at financial trading: The House Energy and Commerce Energy Subcommittee convenes at 10:15 a.m. to examine the role of "financial trading in the nation's wholesale electricity market." Witnesses representing PJM Interconnection, California ISO, NRG Energy, Power Trading Institute, Financial Marketers Coalition and a former FERC general counsel are among those slated to testify. More [here](#).

WHAT A COINCIDENCE? The Center for Biological Diversity [filed a FOIA](#) request seeking

information on a trip taken by Greg Sheehan, acting director of the Fish and Wildlife Service, to Tanzania during which his agency announced it would overturn a ban on elephant trophies from two African nations. (It subsequently abandoned those plans.)

GRIJALVA DISPUTES HOSTILE WORKPLACE REPORT: Rep. [Raúl Grijalva](#), ranking member on the Natural Resources Committee, pushed back strongly on [a report](#) that he offered a former aide five months' severance pay to settle a hostile workplace claim related to alleged alcohol use, POLITICO's Elana Schor [reports](#). He accused The Washington Times of eventually publishing "a misleading article trying to link me to sexual harassment complaints made against other people." Grijalva's alleged behavior was not sexual in nature.

GREEN TECH LAWSUIT ENSURES SEVERAL VIPs: Virginia Gov. Terry McAuliffe and former Democratic presidential candidate Hillary Clinton's brother Anthony Rodham are among those caught up in a fraud lawsuit filed by Chinese investors over investments in Greentech Automotive, POLITICO's Josh Gerstein [reports](#). The lawsuit says each Chinese investor lost \$560,000 apiece as a result of misrepresentations made by McAuliffe and Rodham about the electric car company that appears to be struggling to survive.

SOLAR REPORT DELUGE! There's now nearly double the amount of solar power installed at schools around the country than in 2014, according to [a report](#) out this morning from The Solar Foundation. That comes as GTM Research [finds](#) Brazil, Egypt, Mexico, the Netherlands and Spain will cross the 1-gigawatt mark in annual PV installations by the end of this year with five more countries expected to top that threshold by the end of 2018. And the Solar Energy Industries Association released [a guide](#) for valuing installed residential solar energy systems.

TAKE A GLANCE! Public Citizen released [a report](#) Tuesday finding the Trump administration withdrew 457 rulemakings in its first semi-annual report on regulations, known formally in Washington-speak as the Unified Agenda. That's more than any administration ever. "Administration officials have taken a victory lap to celebrate their efforts to halt regulations but have largely avoided discussing the details of the rulemakings they have stopped," Michael Tanglis, a senior researcher with the group, said.

NEW TOOL: Resources for the Future released a new calculator Tuesday meant to estimate the impacts of a carbon tax on various fossil fuel prices. Check it out [here](#).

QUICK HITS

— We Energies' coal-fired power plant in Pleasant Prairie to be shut down in 2018. [Journal Sentinel](#).

— Ohio State researcher defies EPA advisory board policy, refuses to resign. [The Lantern](#).

— TransCanada ordered to run Keystone pipeline at reduced pressure. [Reuters](#).

— Reject oil-by-train terminal for Vancouver, Wash., state panel urges Gov. Inslee. [Seattle Times](#).

— "Campaign to elect a pipeline:" Va.'s most powerful company ran multi-front fight. Washington Post.

— OPEC won't deliver the 9-month extension to output cuts the market is expecting, Citi warns. CNBC.

— Shell, to Cut Carbon Output, Will Be Less of an Oil Company. New York Times.

HAPPENING TODAY

10:00 a.m. — "Modernizing NEPA for the 21st Century," House Natural Resources Committee, Longworth 1324

10:00 a.m. — Senate Environment and Public Works Committee holds business meeting on Hartnett White and Wheeler nominations, Dirksen 406

10:00 a.m. — "Supplemental Oversight: U.S. Forest Service," House Appropriations Subcommittee on Interior, Environment and Related Agencies, Rayburn 2007

10:00 a.m. — "Regulatory Reform Task Forces Check-In: Part III," House Oversight and Government Reform Subcommittees on Environment and Intergovernmental Affairs, Rayburn 2154

10:00 a.m. — The American Petroleum Institute holds a lunch event to showcase a new study on "STEM education and the energy workforce of the future," George Washington University - Elliott School of International Affairs, City View Room, 1957 E Street NW

10:15 a.m. — "Powering America: Examining the Role of Financial Trading in the Electricity Markets," House Energy and Commerce Energy Subcommittee, Rayburn 2322

10:15 a.m. — "The Future of WOTUS (Waters of the United States): Examining the Role of States," House Science, Space and Technology Subcommittee on Energy, Rayburn 2318

11:00 a.m. — "Supplemental Oversight - US Army Corps of Engineers," House Appropriations Energy and Water Subcommittee, Rayburn 2362-B

2:15 p.m. — National Academies hold open meeting to review draft Fourth National Climate Assessment, National Academy of Sciences Building, 2100 C St. NW

THAT'S ALL FOR ME!

To view online:

<https://www.politicopro.com/newsletters/morning-energy/2017/11/anwr-skating-under-the-radar-in-broader-tax-fight-035165>

Stories from POLITICO Pro

Democrats worry ANWR being lost amid tax debate [Back](#)

By Ben Lefebvre | 11/28/2017 03:44 PM EDT

Democrats' fight to keep oil and gas rigs out of the Arctic National Wildlife Refuge is losing ground as the Republican tax plan advances — and it's almost as if no one has noticed.

The prospect of drilling in the untouched Alaskan tundra is as close to reality as it's been in more than a decade, with none of the political drama that in past decades turned the refuge's fate into a top-tier rallying cry for liberals. Legislation to allow drilling in ANWR is quietly hitching a ride on the tax code overhaul that Senate Republicans hope to complete by the end of the week, overshadowed by larger debates on whether the bill is a giveaway to rich people and corporations at the expense of the poor and working class.

"It's really not gotten the attention that it should," [Tammy Duckworth](#) (D-Ill.), a member of the Energy and Natural Resources Committee, told POLITICO about the ANWR provision. "It's not just the budget discussion. It's about everything else that's going on, the flurry of all sorts of other news."

[Angus King](#) (I-Maine) said Republicans were trying to shield ANWR from opposition by adding it to the larger bill rather than bringing it to the floor on its own under rules, which would require it to win support from 60 senators to overcome a filibuster.

"Well, clearly the strategy is to try to get it through as part of this tax reform effort and thereby avoid a direct up-or-down vote," King said in an interview earlier this month.

The nonstop news cycle and preponderance of other concerns with the tax bill are making it difficult to focus on an issue that normally fires up Democratic voters.

"I do think that putting ANWR in the budget reconciliation package hasn't drawn as much extremist opposition because it is completely overshadowed by tax reform, which is the center of the package," said Chris Guith, senior vice president of the U.S. Chamber of Commerce's Global Energy Institute. "But there are some who aren't exactly supportive of tax reform that support ANWR, and it's possible to see ANWR bring a vote or two to help pass tax reform."

Senate Energy Chairman [Lisa Murkowski](#) (R-Alaska) easily advanced legislation through her committee directing the Interior Department to hold two lease sales for drilling in ANWR over the next decade. It would raise \$1 billion over that period, according to the Congressional Budget Office, making it eligible for inclusion in a budget reconciliation package that Democrats cannot filibuster.

The reconciliation package also will include Republicans' tax plan and a repeal of the Obamacare individual mandate. While Murkowski helped scuttle the Obamacare repeal push earlier this year, she says she supports ending the mandate. Murkowski's office did not respond to a request

for comment.

ANWR, a swath of tundra on the northern Alaska coast, is home to polar bears, porcupine caribou and a landscape that hasn't been touched in thousands of years. Congress designated the 19-million-acre area a wildlife refuge in 1980, but it set aside a 1.5-million-acre parcel known as "10-02" for possible future drilling if future lawmakers approved such a plan. The U.S. Geological Survey estimated in 1998 that part of ANWR could hold up to 12 billion barrels of oil, and President Donald Trump and Alaska Republicans have called it essential for their plans for American "energy dominance."

Sen. Susan Collins (R-Maine), who is undecided on the tax bill for a several reasons, said she will support an amendment on the Senate floor to eliminate the ANWR language, but she said success there is not a prerequisite for her to vote for the underlying bill. "No it is not, but I would certainly try to get it out of the package," Collins told reporters Tuesday. Collins was the only Republican to cross the aisle on an unsuccessful amendment to keep pro-drilling language out of the underlying budget resolution, meaning it is unlikely that she would be able to strip the ANWR provision from a reconciliation bill.

But Democrats say that passing a deficit-increasing tax bill in order to open ANWR would actually harm energy-producing states. That's because the \$1.5 trillion shortfall from the GOP tax cuts would trigger required "pay-as-you-go" cuts to mandatory spending programs, according to a CBO analysis sent to House Minority Whip Steny Hoyer (D-Md.).

One of the programs on the PAYGO chopping block would be the energy royalty revenue sharing program carried out through the Mineral Leasing Act. Cutting those payments would lose Alaska an estimated \$15 million in energy royalty payments next year alone, an amount important to a state already facing budget shortfalls.

"Communities throughout the West would be impacted by the loss of revenue, which is used to support a variety of needs including infrastructure, school funding, conservation, and recreation," Hoyer said in a statement to POLITICO. "This is yet another example of the consequences associated with forcing through legislation to add \$1.5 trillion to the deficit in order to give tax cuts to the wealthy."

PAYGO cuts also would hit popular programs like Medicare and student loans, but Congress can waive the law with 60 votes in the Senate. Democrats are not yet on board with that approach.

The current push to open ANWR, coming amid a swarm of competing headlines and buried in larger legislation, has come nearer to succeeding than in the GOP's two previous attempts. President Bill Clinton vetoed a budget package in 1995 that included language opening ANWR, while a Democratic filibuster thwarted a second attempt in 2005.

What public engagement environmental groups have made has targeted only a handful of congressional districts. The League of Conservation Voters also spent \$550,000 on television ads in three Republican congressional districts. The LCV also paid for a bipartisan polling firm to probe public opinion on opening ANWR, but even that focused only on registered voters in eight

congressional districts.

"The reason they're trying to sneak it into the tax package is they know they don't have the votes otherwise," said Tiernan Sittenfeld, the league's senior vice president of government affairs. "They know they can't pass it under regular order, that's why they're doing a sneak attack."

Even ANWR supporters are staying out of the spotlight.

"I haven't seen any full out, front-page ads, nothing like that," Alaska Oil and Gas Association President Kara Moriarty said. "We're a little battle weary, to be honest. Alaskans support opening up ANWR. There's been a few statements reiterating that."

Nick Juliano contributed to this report.

To view online [click here](#).

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Senate GOP gets breathing room as tax plan advances [Back](#)

By Seung Min Kim, Bernie Becker and Colin Wilhelm | 11/28/2017 12:33 PM EDT

Senate Republicans got some sorely needed momentum behind their tax overhaul Tuesday as key GOP swing votes inched closer to backing the legislation — after Senate leaders launched a frenzied round of negotiations to convince the holdouts.

The Senate Budget Committee voted to advance the GOP tax reform bill on Tuesday on a party-line vote, with both Sens. Bob Corker (R-Tenn.) and Ron Johnson (R-Wis.) backing the measure a day after threatening to withhold their support. That critical vote came after President Donald Trump came to Capitol Hill to rally the troops in the tax battle.

Johnson voted for the tax bill after a back-and-forth with Trump during the lunch, according to multiple sources, over the Wisconsin Republican's main concern: that the current proposal gives more benefits to corporations than to businesses that pay taxes through the individual system.

At one point, Johnson — who has persistently pressed his case for so-called pass-throughs to other senators — said jokingly that no one grandstands better than him, according to one senator who attended the lunch.

Corker, one of the fiscal hawks concerned about the deficit impact of tax cuts, said he was satisfied with details for a "trigger" to reverse tax cuts if economic growth fell short of projections in years to come. He expects details to be released Thursday.

"I've got details but I want to get it all sort of put to bed," before disclosing them, he told reporters. "It's an agreement in principle, a very strong agreement, with [Senate Majority Leader

Mitch] McConnell, with [the] Finance Committee, and of course the White House has been in the midst of all this too."

The agreement was primarily brokered between Corker and Sen. Pat Toomey (R-Pa.), a member of the tax-writing Finance Committee, according to one GOP source. The two key lawmakers struck an agreement in September on the overall price tag of \$1.5 trillion for the Senate plan.

Corker has also been working on the trigger idea with Republican Sens. Jeff Flake of Arizona and James Lankford of Oklahoma.

Corker said he believes there is a viable workaround if a trigger violates budget rules of the Senate that Republicans plan to use to pass their tax bill along party lines.

The Budget Committee vote became even more dramatic after Capitol Police were forced to escort multiple protesters out of the room. Chants of "kill the bill, don't kill us" repeatedly disrupted the panel's proceeding.

Despite Tuesday's developments, Senate Republicans have a way to go before locking down at least 50 votes in favor of the tax bill. The GOP has not formally unveiled changes that would appease the likes of Corker, Flake and Lankford, as well as Johnson.

Several other Republican senators remain wild cards as the chamber races to a vote by the end of the week.

Earlier in the day, Senate Majority Leader Mitch McConnell, members of his leadership team, and key Senate Finance Committee Republicans met with Sen. Steve Daines (R-Mont.) — who, like Johnson, has concerns about the bill's treatment of so-called pass-through businesses.

"It's a challenging exercise," McConnell said Tuesday. "Think of sitting there with a Rubik's Cube trying to get to 50."

Another critical Republican swing vote — Sen. Susan Collins of Maine — is seeking several provisions before she is willing to endorse the tax bill, including passage of separate legislation to stabilize the health insurance markets.

The tax bill includes a repeal of the Obamacare individual mandate that everyone carry health insurance, and Collins told reporters Tuesday afternoon that Trump committed to backing a stabilization measure from Sens. Lamar Alexander (R-Tenn.) and Patty Murray (D-Wash.), as well as a bill from her and Sen. Bill Nelson (D-Fla.) to protect pre-existing conditions and use high-risk pools.

The commitments from the president came in a separate meeting with Collins, Alexander and Sen. Lindsey Graham (R-S.C.), Collins said.

"I think they're eager to help me get to 'yes,'" she said.

The moderate senator also said in an interview earlier Tuesday that she wants the top individual tax rate to remain at the current 39.6 percent, restore the state and local tax deduction on property taxes to aid those in high-tax states, and make the child care tax credit refundable "so it would help lower-income working families."

She also wants to kill a proposal in the plan that would eliminate the ability of employees of the government as well as nonprofits, churches and others to make catch-up contributions to their 401(k) retirement plans, saying "this makes no sense whatsoever — we should be encouraging people to save for their retirement, and there seems to be a receptivity to fixing that provision."

Meanwhile, Corker and other fiscal hawks have become increasingly vocal about their concerns that the bill might fall short of paying for itself, as its chief backers claim.

"If we could take the entire individual side of this, throw it in the trash can and take it directly to the incinerator, I would be thrilled," Corker said on CNBC. "But I'm willing to swallow the individual side, which to me is not what it needs to be, to get the business side as long as we're not increasing deficits."

And the addition of the health care battle has further complicated matters. Top Democratic senators have said that every member of their 48-person caucus supports the stabilization measure, but that calculus is sure to change if Republicans are using the Alexander-Murray deal to try and mitigate the impact of repealing the individual mandate.

"You can't sabotage the entire system and then say you're going to do a small little fix on top of that sabotage," Senate Minority Leader Chuck Schumer said Tuesday.

Senate Democrats from states Trump won handily signaled they felt little political pressure to support the current effort, though they walked a fine line between arguing the Senate's tax reform bill could be improved on a bipartisan basis and shutting the door on supporting it.

"If you've heard the rhetoric that Democrats don't want tax reform, that's false," said Sen. Joe Manchin (D-W.Va.). "We want tax reform. The country needs meaningful tax reform."

Sen. Heidi Heitkamp (D-N.D.), who accompanied Trump to a tax reform event in her home state earlier this year, knocked the bill as "a moving target" that still contains a number of provisions that concern her, particularly tax cuts that it would benefit wealthy individuals more than they would benefit middle-class taxpayers.

"Every member of Congress is going to be a winner" under the current Republican tax bill, she said. "But I've got constituents who aren't going to be winners who make a lot less than I do."

When asked whether moderate Democrats might support the Republican tax reform effort at the end of the day, Manchin said Democrats "haven't seen the final version" and noted that several Republicans remain on the fence.

"We think they're still trying to find ways to get 51 votes," he said. "We're saying, why work on

getting 51 votes, why don't you work on getting 60 votes?"

The Senate budget panel was required to green-light the tax bill because Republicans are using a budget maneuver that would allow them to pass the bill with only 51 votes. Under those procedural rules, the committee could not substantially change the legislation before it heads to the floor for a full vote.

"Our work today is of a ministerial nature," Budget Committee Chairman Mike Enzi (R-Wyo.) said during the markup.

Brian Faler and Sarah Ferris contributed to this report.

To view online [click here](#).

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CEQ nominee White flips on biofuel support [Back](#)

By Eric Wolff and Alex Guillén | 11/08/2017 11:37 AM EDT

Kathleen Hartnett White reversed her position on biofuels at her confirmation hearing today, telling senators she now backed the federal program she once criticized as "ethically dubious."

Hartnett White, who has been nominated to lead the Council on Environmental Quality, was pressed by Sens. [Mike Rounds](#) (R-S.D.), [Joni Ernst](#) (R-Iowa) and [Deb Fischer](#) (R-Neb.) on her past comments calling for the elimination of the Renewable Fuel Standard. President Donald Trump has been a strong backer of ethanol producers and the RFS.

"I solidly support his support," she told Rounds.

Hartnett White said her past views were based on flawed data.

"In the early years of the program, I made some particularly critical questions about whether ethanol would challenge the global food supply," she said.

But, she said, Ernst had shared newer data with her. "What a great victory, and I congratulate the corn industry" on increasing production, she said.

CEQ has no direct regulatory role over the RFS, but it provides advice to the president on environmental matters like the biofuels program.

"As a child of rural American, I have painfully observed over my lifetime the decline of vibrant small towns. ... An industry like ethanol has really contributed to giving new life to rural communities and keeping families together," she said.

WHAT'S NEXT: The Senate Environment and Public Works Committee will schedule a vote on Hartnett White's nomination.

To view online [click here](#).

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Glick to be sworn in at FERC Wednesday [Back](#)

By Darius Dixon | 11/28/2017 12:11 PM EDT

Democrat Rich Glick is slated to be sworn in as a FERC commissioner on Wednesday, FERC spokeswoman Mary O'Driscoll said today.

There were no updates on when Kevin McIntyre, President Donald Trump's pick to be FERC chairman, would do the same.

Both McIntyre and Glick were confirmed by the Senate early this month, and though their paperwork cleared the White House shortly before Thanksgiving, neither have officially joined the agency. That delay had fueled speculation among FERC watchers that there was a dispute over staffing decisions or Energy Secretary Rick Perry's controversial grid proposal.

Current FERC Chairman Neil Chatterjee sought to tamp down the rumors today.

"There is no conspiracy here. There is no intentional delay or dragging things out to some nefarious end," he told reporters after a Consumer Energy Alliance event. "It's simply a matter of timing, prioritization, getting documents signed and once the documents were signed ... people have to unwind their own professional obligations in their current jobs."

Chatterjee also said it was unfair to compare the slow pace in bringing McIntyre and Glick aboard to the quicker process that put him and Commissioner Rob Powelson on the commission in August, when the agency had gone months without a quorum.

"There was considerable pressure to get the paperwork signed and moved as quickly as possible," he said. "The circumstances here are different because we have a functioning quorum."

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BLM clears the way for Cadiz California water pipeline [Back](#)

By Esther Whieldon | 10/16/2017 06:06 PM EDT

The Bureau of Land Management has ruled the proposed Cadiz Inc. water pipeline in California's Mojave Desert can move forward without agency approval, effectively clearing the biggest remaining federal hurdle for the project.

In a Friday [letter](#), which Cadiz released today, BLM acting Director Mike Nedd reversed a 2015 finding by the Obama administration that the project could not use an existing railroad right of way and would need to apply for its own.

The proposed pipeline would pump groundwater from a desert aquifer across 43 miles of land, much of it federally owned, and the project's opponents have argued it would draw more water than the aquifer can recharge naturally.

The Interior Department in September also reversed a legal interpretation made under the Obama administration and found railroads have broad discretion to lease their rights of way. The Center for Biological Diversity has filed a public records request with Interior to figure out why the agency revoked that legal interpretation.

David Bernhardt, Interior's second-in-command, did legal work for Cadiz before joining the agency. An Interior spokeswoman in an emailed statement said "the Deputy Secretary has absolutely no role in anything related to Cadiz."

WHAT'S NEXT: Cadiz in a [statement](#) said it will begin working on final engineering designs, contracts and obtaining a conveyance agreement with the Metropolitan Water District of Southern California. A Cadiz spokeswoman in an email said the storage component of the project will still require federal permits.

To view online [click here](#).

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Grijalva blasts report on hostile workplace allegations [Back](#)

By Elana Schor | 11/28/2017 02:43 PM EDT

Rep. Raul Grijalva (D-Ariz.) on Tuesday demanded an apology from the Washington Times for a report that he paid more than \$48,000 from his office's budget to settle a former aide's hostile workplace environment claim related to alleged alcohol use.

Grijalva pushed back after the newspaper reported that he had offered a former aide five months' severance pay to settle her claim, which was never taken to Capitol Hill's workplace misconduct adjudicators at the Office of Compliance.

The Arizonan is the second House Democrat in one week to become embroiled in a growing scandal over Congress' secret system for settling workplace misconduct complaints, with a third

woman coming forward Tuesday to allege sexual harassment by Rep. John Conyers (D-Mich.).

Grijalva's alleged behavior was not sexual in nature — although he claimed Tuesday that the Times initially contacted him about a sexual misconduct case.

"Last week, the Washington Times contacted me seeking comment on what it described as a sexual harassment claim that, in fact, had never been made," Grijalva said in a statement. He accused the newspaper of eventually publishing "a misleading article trying to link me to sexual harassment complaints made against other people."

Grijalva acknowledged the basic facts of the report that he and the former aide "mutually agreed on terms for a severance package, including an agreement that neither of us would talk about it publicly," with the assistance of the House's chief employment counsel. That office is tasked with representing the interests of lawmakers during such negotiations with employees.

"The terms were consistent with House Ethics Committee guidance," Grijalva added. "The severance funds came out of my committee operating budget. Every step of the process was handled ethically and appropriately."

The Times "owes me an apology," Grijalva added.

The \$27,000 settlement Conyers reached in 2015 with a former aide accusing him of sexual harassment was paid through his personal office's budget, meaning that the compliance office did not tally the payment in its annual reporting of workplace misconduct settlements on the Hill.

It is unclear, beyond the House employment counsel's office, which entity on the Hill maintains a comprehensive record of workplace misconduct settlements that lawmakers pay using their taxpayer-funded personal budgets.

To view online [click here](#).

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Chinese investors sue McAuliffe, Rodham over green-car investments [Back](#)

By Josh Gerstein | 11/28/2017 01:22 PM EDT

Virginia Governor Terry McAuliffe and former Democratic presidential candidate Hillary Clinton's brother Anthony Rodham are facing a \$17 million fraud lawsuit from Chinese investors in Greentech Automotive, an electric car company that appears to be struggling to survive.

A group of 32 Chinese citizens filed the suit last week in Fairfax County, Virginia court, claiming that they were swindled out of about \$560,000 apiece as a result of misrepresentations made by McAuliffe and Rodham—two of the most prominent and politically connected proponents of the venture aimed at manufacturing electric cars in the U.S.

The suit is yet another headache for McAuliffe as he mulls a potential presidential bid in 2020, buoyed in part by Democrats' strong showing in the state in the election earlier this month. McAuliffe confirmed last year that his business dealings with foreign nationals were under investigation by the FBI and federal prosecutors. It's unclear whether that probe involved Greentech or whether the inquiry is still ongoing.

The Chinese investors plowed their money into Greentech with the promise of winning permanent residency in the U.S. under a program that awards green cards to foreign-funded ventures that generate U.S. jobs. However, the suit contends that the investors now face the threat of deportation from the U.S. because the Department of Homeland Security has determined that Greentech did not generate the number of jobs required to sustain the number of visas issued through the so-called EB-5 program.

"Plaintiffs now face the prospect of having to uproot their families once again, with the expense and stress of deportation to China looming before them," the suit says, accusing McAuliffe, Rodham, Greentech founder Charles Xiaolin Wang and others of running a "scam."

McAuliffe and Rodham did several tours through China to seek investments in the electric car startup, the suit says. As brother-in-law of President Bill Clinton and as brother of the then-secretary of state—Rodham appeared to serve as a means of attracting Chinese interest in the project. The suit contends that Rodham's involvement conveyed that the electric-car firm was politically-connected and likely to prosper.

"Defendants milked these connections in marketing materials," the suit says. "Defendants exploited those relationships to assure investors of both the success of the company and their ability to obtain U.S. Citizenship and Immigration Services ("USCIS") approval of the visa applications."

A spokeswoman for McAuliffe, Crystal Carson, disputed the claims and noted that the governor gave up his role in the firm years ago.

"We strongly reject this baseless suit which has no merit whatsoever. The claims, which regurgitate old political attacks regarding a company that Governor McAuliffe left five years ago, were brought by a lawyer with conservative ties," Carson said. "We are confident it will be dismissed."

One of the attorneys who drafted the suit, Scott Abeles of Los Angeles-based Gerard Fox law, disputed any political motivation.

"I represented the Chamber of Commerce once or twice...I'm not a conservative dude," he said in an interview Tuesday.

As McAuliffe prepared to run for Virginia governor, Greentech was a bright spot on his resume, combining entrepreneurial spirit with environmentalism and an effort to bring jobs to an impoverished area of Mississippi. A 2012 ribbon-cutting for the Mississippi factory drew former

President Bill Clinton and Mississippi Governor Haley Barbour generated glowing press coverage.

However, the firm soon ran into trouble finding its footing. Production was repeatedly delayed. Hiring for the assembly line fell well short of the 350 jobs promised.

McAuliffe was once the largest individual investor in the company but stepped down as chairman in 2012 and sold his shares as he prepared to be sworn in as governor in 2014.

Once McAuliffe took office, bad publicity for the firm kept coming. It emerged that the Securities and Exchange Commission had an investigation into the company, although no charges were ever brought.

A Department of Homeland Security inspector general report issued in 2015 said USCIS Director Alejandro Mayorkas created "an appearance of favoritism and special access" by responding to entreaties from McAuliffe and Rodham to speed up action on applications related to the project. The report did not accuse McAuliffe or Rodham of wrongdoing.

The Mississippi factory apparently closed in January. In July, the state's auditor said Greentech's employment in the state peaked at 143 and the firm now owes the state \$6.4 million for failing to live up to promises it made to get a \$5 million financing package from the government there.

Earlier this month Attorney General Jim Hood (D-Miss.) filed a lawsuit against the firm seeking about \$3 million in damages, plus forfeiture of land used for the factory in Tunica.

Abeles said the Chinese involved in his suit approached his firm as a group, although the group grew somewhat before the case was filed.

"We had done one or two of these EB-5 cases out there in California," he said. "This group came to us."

A key challenge for the investors' suit will be proving that McAuliffe, Rodham or Wang should be individually liable for any losses. Typically, use of a corporation to solicit investments makes it difficult to recover against the people involved, but Abeles said the companies are little more than paper structures.

"As we see it, these people invested in Terry McAuliffe. They invested in Anthony Rodham. They invested in Charlie Wang," Abeles said. "More than the typical case, the individuals drove the bus here."

Greentech did not respond to messages seeking comment for this story. Wang and Rodham could not be reached for comment.

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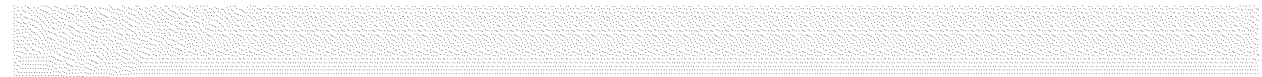
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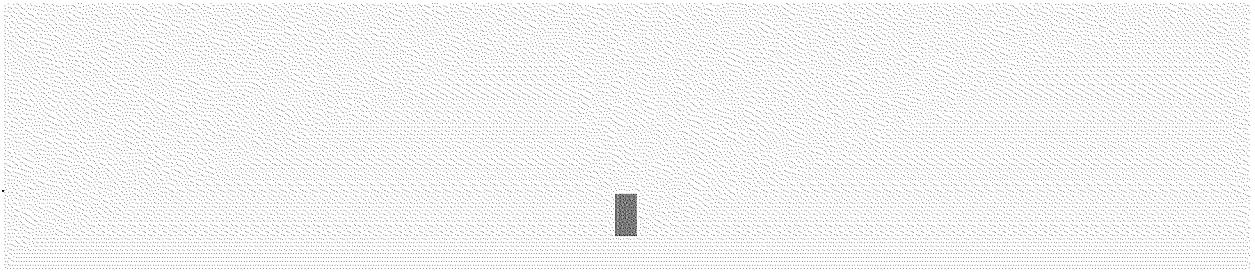
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From: Morning Consult
Sent: Thur 10/19/2017 12:50:22 PM
Subject: Morning Consult Washington: Rep. Tiberi Plans to Announce He's Resigning From Congress



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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Sun 12/3/2017 2:01:29 PM
Subject: Morning Consult Washington: Week in Review & What's Ahead



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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Wed 10/11/2017 1:01:45 PM
Subject: Morning Consult Washington: Polling Shows Growing GOP Support for Tougher Gun Control Laws

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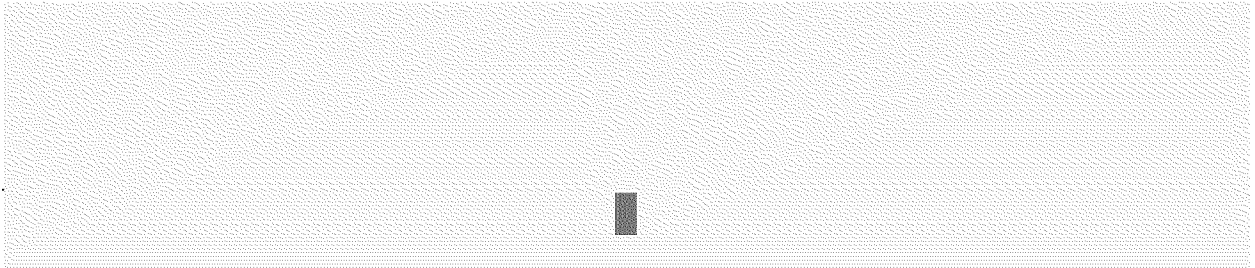
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Fri 10/6/2017 11:21:31 PM
Subject: State Dept's Shannon to lead U.S. delegation to climate talks

By Andrew Restuccia

10/06/2017 07:18 PM EDT

Thomas Shannon, the State Department's undersecretary for political affairs, will lead the U.S. delegation to a major international climate change summit next month in Bonn, Germany, according to an administration official.

The news comes amid swirling rumors that Environmental Protection Agency Administrator Scott Pruitt was angling to lead the delegation, a move that would have made a skeptic of established climate science the face of the United States at the talks.

In previous years, the State Department's climate envoy led the U.S. delegation to the annual gathering. But the Trump administration has declined to fill that position.

The Bonn negotiations are aimed at implementing the 2015 Paris climate change agreement, from which President Donald Trump has said he intends to withdraw.

Neither the White House nor the State Department responded to requests for comment.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/10/state-depts-shannon-to-lead-us-delegation-to-climate-talks-094058>

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From: EPA Press Office
Sent: Thur 10/19/2017 11:58:06 AM
Subject: WSJ: Stopping Sue and Settle

THE WALL STREET JOURNAL

Stopping Sue and Settle

Stopping Sue and Settle

The EPA moves to limit extortion by environmental lawsuit.

Editorial

October 18, 2017

<https://www.wsj.com/articles/stopping-sue-and-settle-1508369052>

Scott Pruitt continues to press reform at the Environmental Protection Agency, this week issuing a directive to curb the collusive Washington game of “sue and settle” lawsuits. This is a victory for democratic consent over legal extortion.

For years green activists have used sue and settle to impose policies they can’t get through Congress. Their allies in the EPA would invite lawsuits, then settle with the greens by agreeing to implement some or all of their policies in consent decrees. When citizens or business complained, EPA would claim its hands were tied by the settlement.

Mr. Pruitt saw the abuses first-hand as Oklahoma’s attorney general, notably as the state battled over the EPA’s Regional Haze Plan. Under the Clean Air Act, states are supposed to develop programs to reduce emissions. Oklahoma came up with a smart plan to do so at minimal cost by replacing coal with natural gas.

But under a consent decree between the EPA and green litigants, the federal government prescribed a plan that required retrofitting six Oklahoma power plants with sulfur-dioxide controls. The cost: \$1.8 billion. Even as the state’s utility bills skyrocketed, “the resulting impact on regional haze would be practically imperceptible,” Oklahoma Gas & Electric concluded.

The agency overrode 17 states’ regional haze programs after sue-and-settle agreements. In total, the Obama EPA imposed a record-breaking 55 federal implementation plans under the Clean Air Act. And since 2009 EPA agreements with litigious environmental groups have resulted in no fewer than 137 new Clean Air Act regulations. The costs of several of these rules run well into the billions, including some of the most expensive ever written.

Mr. Pruitt’s directive says the EPA will no longer commit to specific policy outcomes in its settlements or consent decrees, instead agreeing only to review a rule or provision. It will also require the EPA to provide vastly more opportunity for diverse public comment.

Too often, bureaucrats and greens have been the sole parties involved in sue-and-settle negotiations. That has meant no dissenting perspectives and no representation for voters and consumers who pay for heavy-handed federal regulation. Under the new directive, the EPA will invite

states and industries affected to weigh in. Proposed consent decrees and settlements will be open to public comment the way new or modified regulations are now.

Environmental groups will also no longer be considered the “prevailing party” when litigation does end in settlement. This is an immediate victory for taxpayers, given that green activists have used their prevailing party status to get the EPA to reimburse them for millions of dollars in legal fees.

These are useful changes that will improve transparency and lead to more honest policy. They are also a lesson to Congress that it needs to write environmental law with more precision so the next EPA Administrator can’t easily revive sue and settle.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Sat 12/2/2017 3:19:13 PM
Subject: Pruitt Brings State Action Tour To Iowa & Kentucky

Pruitt Brings State Action Tour To Iowa And Kentucky

[Click Here To Watch Administrator Pruitt's Interview On KCCI-TV Des Moines](#)

The Cedar Rapids Gazette reports that Administrator Pruitt wants to use our natural resources. "The new head of the U.S. Environmental Protection Agency told an Iowa crowd Friday he will work with states when crafting environmental rules, and he criticized the Obama administration for doing the reverse. 'What's important for us in Washington, D.C., to do is to learn and partner and work with folks at the state level to achieve good outcomes together. That just simply has not happened for a number of years,' said EPA Administrator Scott Pruitt, during a stop in Nevada. Pruitt, the former Oklahoma attorney general, also said the United States should use the natural resources it has, not 'put up fences' around them."

The Des Moines Register reports Pruitt called farmers the first 'conservationists, environmentalists.' "Pruitt said the country needed to discuss what 'true environmentalism' means: 'We have been blessed with a bounty of natural resources. And some view that as 'We should simply not use them' — that we should put up fences and not use our natural resources. 'I don't buy that. We, as a country, have an obligation to feed the world and power the world,' he said, getting applause. 'When you have the natural resources like we do, we should use them to benefit our neighbors, our country and world.'"

The Quad-City Times reports that EPA is studying if E15 can be approved for year-round sale. "Pruitt, during his remarks at the Friday afternoon event near Nevada, said his agency is studying whether it has the legal standing to approve E15 for year-round sale. He said if it is determined the agency can do so without Congressional approval, it will make E15 available year-round. If not, Pruitt said he would make a recommendation to Congress to change the law."

In Kentucky, WHAS-TV in Louisville reports that next year, Pruitt will have changes to Obama's WOTUS. "The head of the United States Environmental Protection Agency was in Louisville Thursday with a promise of change to one of the most controversial environmental regulations for Kentucky farmers. Administrator Scott Pruitt told the Kentucky Farm Bureau's 98th Annual Meeting that the "Waters of the United States" regulation will be changed forever by mid-2018."

[Click Here To Watch The Video](#)

Finally, the West Kentucky Star reports that Pruitt denounced Obama's WOTUS. "Environmental Protection Agency chief Scott Pruitt found a friendly audience in Kentucky as he

lambasted an Obama-era clean-water rule. Pruitt told a Kentucky Farm Bureau audience on Thursday that the rule aimed at protecting small streams and wetlands from development and pollution was an example of federal overreach. He said the rule tried to redefine the Clean Water Act to cover puddles, dry creek beds and drainage ditches. President Donald Trump's environmental chief drew applause from the farm group as he said the rule is being 'fixed' and said a replacement rule is coming next year."

TWEETS ...

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From: POLITICO Pro Energy
Sent: Thur 10/19/2017 9:44:14 AM
Subject: Morning Energy, presented by the National Biodiesel Board: Lessons from biofuels fight as progress reported — Senate Dems push for ANWR vote — Puerto Rican governor meets Trump today

By Anthony Adragna | 10/19/2017 05:41 AM EDT

With help from Darius Dixon

THERE'S A LESSON HERE: It seems President Donald Trump's administration made significant progress Wednesday toward appeasing a bloc of corn-state Republicans blocking EPA nominees over the agency's actions on biofuels, but the small-yet-powerful group proved over the last two days that they have significant power to throw sands in the gears of the president's agenda if they want. "We have enough of a bloc of Midwestern senators that they're going to have to pay attention to us," Sen. [John Thune](#), a member of Senate leadership, told ME.

So where are we? Key corn-staters seemed more optimistic of the directions of talks but weren't ready to declare victory just yet. Sen. [Joni Ernst](#), who held up a scheduled EPW vote Wednesday, said she wanted guarantees "either in writing or a public announcement" and her frustration level remains "pretty high" over the administration's biofuels stance. "We want the president, we want the EPA administrator to be very public about the steps that they can announce in a meaningful manner," she told reporters. "We want to know that [EPA Administrator] Scott Pruitt, as the head of the agency, is going to follow the spirit of the law. I have no doubt that they might try and follow the letter of the law but the spirit of the law is for energy independence here in the United States and to support the renewable industry in the United States."

Note to all EPW Republicans: "I told them outright that I would not support [air nominee Bill Wehrum] if I didn't have assurances," Ernst said. "I am the single Iowa Republican on that committee — 11 to 10. Eleven Republicans, 10 Democrats. One vote makes a difference."

Other Republicans too: Iowa Republican [Chuck Grassley](#) said his concerns had "not yet" been satisfactorily addressed. And Sen. [Deb Fischer](#), who indicated she'd vote in favor of Wehrum after meeting with Pruitt on Tuesday, told reporters: "I feel better, but I think more can be done."

EPA's response: Pruitt spoke to Iowa Gov. Kim Reynolds Wednesday, a spokesman said. "What Administrator Pruitt said in his confirmation hearing still stands: he doesn't want to take any steps to undermine the objectives in the statute of the RFS."

And ICYMI: White House officials asked EPA to stop back off plans to reduce advanced biofuel volumes and allow credits for exported ethanol, Pro's Eric Wolff [reports](#), citing multiple sources. "They had no choice," said one refining industry source who'd spoken to White House aides.

Meanwhile, the heads of four refiners at the heart of the skirmish — Valero, HollyFrontier, PBF and Monroe Energy — sent [a letter](#) to Trump Wednesday urging the administration to make

biofuel exports eligible for credits, known as RINs. Pruitt has reportedly been considering such a move. "EPA has within its power the ability to level the playing field by treating exports the same as domestically-consumed products, removing a self-imposed trade barrier that unfairly discriminates against exports," they wrote.

WELCOME TO THURSDAY! I'm your host Anthony Adragna, and the American Chemistry Council's Jonathan Corley was first to correctly ID [Jeanne Shaheen](#) as the senator who won a 2008 rematch to win her seat. For today: There were three (!) separate Senate EPW chairs in 2001. Name them! Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#) and [@POLITICOPro](#).

NEW PRO FOR THE HILL POLITICO Pro now offers **all-inclusive Pro access** to Hill offices. Senate offices: [learn more here](#). House offices: [learn more here](#).

ANWR AMENDMENT ARRIVES: Democrats Sen. [Ed Markey](#) and [Maria Cantwell](#) have filed [an amendment](#) to the fiscal 2018 budget that would remove language opening ANWR to drilling. They intend to push for a vote as part of a vote-a-rama on the budget today. Their party has opted to try to force the Republicans into 20 to 25 tough amendment votes, instead of hundreds, as in past years. Remember several GOP senators have voted against ANWR drilling in the past, so the vote likely would be close. Budget and Appropriations Brief [sets the scene](#) on what to expect today.

PUERTO RICAN GOVERNOR TO MEET TRUMP: Puerto Rican Gov. Ricardo Rosselló heads to the White House today for a meeting with Trump at 12:15 p.m. as more than 80 percent of the island remains without electricity and 30 percent still lack drinking water almost a month after the hurricane. "We're continuing to do everything that we can to help the people of Puerto Rico," White House press secretary Sarah Huckabee Sanders said.

Even as the Senate prepares to turn to a House-passed disaster relief package [H.R. 2266 \(115\)](#) later this week, a bipartisan group of senators sent their leaders [a letter](#) requesting the next bill include the Wildfire Disaster Funding Act [S. 1842 \(115\)](#), which would ensure the U.S. Forest Service and Department of Interior have "stable, reliable" resources to fight future fires. That comes as FEMA Director Brock Long [toured](#) California wildfire damage on Wednesday.

Flint mayor to White House: Administration officials invited Flint Mayor Karen Weaver to the White House to discuss critical water infrastructure needs in urban communities in response to her open letter to San Juan's mayor. "I have spoken with Mayor Cruz who expressed support and encouragement for me to take the lead on articulating the critical infrastructure needs for communities such as Flint and San Juan," she said in a statement.

**** Presented by the National Biodiesel Board:** EPA Administrator Pruitt could harm American workers and break the president's promise to rural America to protect the Renewable Fuel Standard (RFS). A strong RFS will be key to keeping these jobs and

upholding his promise. Tell EPA to keep the president's promise and grow the RFS:
<http://bit.ly/2ghDLo3> **

PRUITT COMING TO EPW? EPW Chairman [John Barrasso](#) said EPA Administrator Scott Pruitt "has an invitation" to appear before the committee, though he would not comment beyond that. That comes as ranking member [Tom Carper](#)'s frustration over Pruitt's absence continues to mount: "It's beyond strange that the administrator for EPA still has not appeared before the committee of jurisdiction for nearly a year," he said. "It defies understanding."

He's going to Texas though: Pruitt is scheduled to speak at the 2017 Lone Star Energy Forum Agenda in The Woodlands, Texas. Friends of the Earth plans to fly over the event with a message — "Pruitt, # PayItBack" — referencing the non-commercial flights he's taken as administrator. The Texas Oil and Gas Association, hosting the event, didn't respond to request for comment.

WE NEED MORE: Ten federal agencies, including EPA were only "partially" compliant with a House Oversight request for information on private jet usage by officials and must provide more information, POLITICO's Kyle Cheney reports. That's better than Department of Justice and Department of Agriculture, both of which received subpoena threats for failing to adequately respond. Ten agencies, including DOE and Interior, fully complied with the requests.

TODAY'S FERC MEETING: There are only two rulemakings on FERC's monthly meeting agenda for today, but Chairman Neil Chatterjee offered a preview earlier this week. "We will consider a revised [Critical Infrastructure Protection] Standard on cybersecurity management controls ... I'd encourage you to stay tuned for details," he told a meeting of the Energy Bar Association on Tuesday. The cybersecurity item started with a petition NERC, the industry standards-writers, in March to make changes to how regulations apply to "low impact" grid systems as well as how cyber rules are applied to portable electronic devices in those facilities. Chatterjee also said FERC "will consider a new policy statement on establishing license terms for hydroelectric projects."

And now that the D.C. metro area finally seems to be getting fall weather , FERC leaders are scheduled to receive their annual briefing on the winter energy market outlook this morning too (think: natural gas storage levels, gas-electric coordination etc.). It should be interesting to compare the tone of these presentations to that of the Trump administration when it comes to grid reliability. The Energy Department has argued that FERC needs to act on Energy Secretary Rick Perry's pricing rule "before the winter heating season begins so as to prevent the potential failure of the grid from the loss of fuel-secure generation" and help avoid the grid "crisis at hand." ME can't predict whether we're in for Polar Vortex II, but we're sure that if we asked Commissioner Rob Powelson he'd remind us not to blame natural gas.

Remember what it was like to have a FERC meeting every month? The meeting starts at 10 a.m. at FERC HQ, 888 First St., NE, and will be webcast.

GOING TOO SLOW FOR INHOFE: Unless there's a deal to move ahead with some of the administration's EPA picks, Sen. [Jim Inhofe](#) has no plans to release his hold on Democratic FERC nominee Richard Glick, Pro's Darius Dixon [reports](#). "I don't think it could happen as one package, but it could be an agreement that they will bring those up prior to the next recess," he said of the nominees. In slowing the process — picks usually move in bipartisan pairs — Inhofe is delaying down the efforts of Energy Chairman [Lisa Murkowski](#), who has attempted to have both FERC nominees confirmed quickly.

SHIMKUS: 'NEVER SAY NEVER' ON YUCCA BILL IN SENATE: Speaking during a trip to Nevada, Energy and Commerce Environment Subcommittee Chairman [John Shimkus](#) acknowledged his nuclear waste legislation [H.R. 3053 \(115\)](#) would face an uphill climb in the Senate but expressed confidence it would clear the House, according to the [Nevada Independent](#). "I would say never say never," he said. "But I do not assume that it's going to be easy to get the bill through the Senate." Doesn't sounds like much momentum in the Senate though with Murkowski telling reporters Wednesday: "I have not been following the status of the Shimkus bill."

NOT GOING ANYWHERE: Despite appearing frail and at times disoriented during a brief Wednesday interview, Senate Appropriations Chairman [Thad Cochran](#) vowed he's not retiring or going anywhere, POLITICO's John Bresnahan and Anna Palmer [report](#). "Don't believe everything you hear," the Mississippi Republican, who helps oversee hundreds of billions of dollars in government spending each year, said.

MAIL CALL! HOW TO SAVE A BUCK: Energy and Commerce Chairman [Greg Walden](#) released a letter Wednesday that included responses from EPA and DOE about what those agencies are doing to save taxpayer dollars. Read it [here](#).

SUPPORT FOR RESCINDING MONUMENTS: A collection of conservative activists, organized by the National Center for Public Policy Research, sent Trump [a letter](#) urging him to implement Interior Secretary Ryan Zinke's recommendations on a host of national monuments. In particular, it called for the elimination of Grand Staircase-Escalante National Monument, Bears Ears National Monument, Katahdin Woods and Waters National Monument and Northeast Canyons and Seamounts Marine National Monument.

TAKE A GLANCE! HOW TO DISMANTLE AN OLD PLANT: Resources for the Future released [a report](#) Wednesday on key considerations when decommissioning coal, gas, oil, wind, and solar assets. It's especially timely given a recent wave of plant retirements with more expected to follow in the near future.

BIG BUCKS IN SAGE GROUSE PROTECTION: The Western Leaders Network is out with a [report](#) today looking at the federal funds states receive to restore sagebrush landscape, prevent wildland fire and improve sage-grouse habitat. It says these millions of dollars are at risk if Zinke follows through on [plans to alter](#) land-use plans the agency

put in place in 2015. Meanwhile, Sen. [Jon Tester](#) sent [a letter](#) to BLM requesting a comment period extension from 45 to 90 days on its sage grouse plan review.

TAKE A LOOK! The Center for Biological Diversity surprised Zinke as he manned the welcome booth at the Grand Canyon and asked about his plans to shrink national monuments. After explaining portions of the Antiquities Act, he said: "I love our monuments." Full minute-long clip [here](#).

QUICK HITS

- Dem senator slams Trump EPA nominee for starting work before confirmation. [The Hill](#).
- First floating wind farm, built by offshore oil company, delivers electricity. [Ars Technica](#).
- Rio, Ex-CEO Face Fraud Charges on \$3.7 Billion Coal Calamity. [Bloomberg](#).
- Judge to hear arguments on tribe's pipeline contingency plan. [AP](#).
- Storm in western Canada temporarily disrupts crude pipelines. [Reuters](#).
- Top EPA advisors to attend West Lake Landfill community meeting. [St. Louis Post-Dispatch](#).

HAPPENING TODAY

POSTPONED — Senate Appropriations Committee [markup](#) of Homeland Security and Interior bills, Dirksen 106

12:30 p.m. — "The Past, Present, and Future of U.S. Energy Policy," Center for Strategic and International Studies, 1616 Rhode Island Avenue NW

THAT'S ALL FOR ME!

**** Presented by the National Biodiesel Board:** Made from an increasingly diverse mix of resources such as recycled cooking oil, soybean oil and animal fats, biodiesel is a renewable, clean-burning diesel replacement that can be used in existing diesel engines without modification. EPA wants to reduce biodiesel volumes in the Renewable Fuel Standard (RFS), which would kill jobs, thwart economic growth and potentially bankrupt farmers. We must support U.S. workers and grow the economy with more biodiesel in a growing RFS. Today is the last day to make your voice heard with the EPA:

<http://bit.ly/2ghDLo3> **

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/10/lessons-from-biofuels-fight-as-progress-reported-025121>

Stories from POLITICO Pro

Sources: White House told EPA to back off on biodiesel cuts, export credits [Back](#)

By Eric Wolff | 10/18/2017 04:18 PM EDT

The White House has instructed EPA to back off its plans to reduce advanced biofuel volumes and allow credits for exported ethanol, according to biofuel and oil industry sources.

That move indicates the administration is yielding to pressure from the Midwestern senators and governors who are furious over EPA's proposal last month to cut biodiesel requirements for both 2018 and 2019.

"They had no choice," said one refining industry source who had spoken to White House aides.

The White House did not comment.

Corn-state officials were also concerned about internal EPA discussions to allow biofuel credits for exported biofuel, a move that would likely have lowered the market prices for Renewable Identification Numbers.

Neither the biodiesel cuts nor the credits for exported fuel will be in the final rule setting blending requirements for 2018 and 2019, the sources said.

Republican corn-state senators aggressively used their leverage to sway EPA. Iowa Sen. [Chuck Grassley](#) forced a meeting with EPA Administrator Scott Pruitt in his office on Tuesday, and Iowa Sen. [Joni Ernst](#) had withheld her support for Bill Wehrum to become head of EPA's air office.

Today, Ernst indicated that EPA was moving toward her position, saying "we're closer to reassurances, and once we have those, we can move forward." But she said she wanted a public statement from the administration.

And biofuels backers say they aren't taking anything for granted.

"We are waiting for affirmative, public declarations from WH," a biofuels source said.

Anthony Adragna contributed to this report.

To view online [click here](#).

[Back](#)

House-passed aid package lacks 'fire-borrowing' fix [Back](#)

By Catherine Boudreau | 10/12/2017 06:20 PM EDT

The emergency funding California desperately needs got House approval on Thursday, but the long-term problem was ignored.

The \$36.5 billion disaster aid package ([H.R. 2266 \(115\)](#)) the House passed does not include provisions that would reform how federal wildfire suppression efforts are funded, prompting several lawmakers to request that the next aid package address the problem.

"Unfortunately, we've missed an opportunity to fix the way the federal government funds wildfire suppression," Rep. [Betty McCollum](#) (D-Minn.) said on the House floor before the measure passed by a vote of 353 to 69. "Let me be clear: The next supplemental must include a legislative fix for wildfire spending."

As wildfires have increased in number and in intensity in recent years, so too has the cost of fighting them. To keep pace, the U.S. Forest Service has had to routinely borrow money from fire prevention programs, such as prescribed burns and forest thinning, to cover suppression costs.

McCollum was joined in her call for Congress to reform wildfire-suppression funding by Republican Reps. [Jeff Denham](#) and [Ken Calvert](#), who both represent California, where the fires ravaging parts of the northern wine country have claimed at least 29 lives and scorched an estimated 180,000 acres.

The trio of lawmakers, all of whom voted for the aid package, said they were glad the measure would allocate \$577 million to battle the California blazes and those in other western states, as well as help repay the Forest Service for its funding shortfall in fiscal 2017. The recently concluded fiscal year was the most expensive on record for wildfire suppression, with the tab running to \$2.4 billion, McCollum said.

Agriculture Secretary Sonny Perdue has made addressing the so-called fire-borrowing problem one of his top priorities, and lawmakers in both chambers of Congress have said they want to pass legislation before the end of the year.

To view online [click here](#).

[Back](#)

Inhofe waiting for deal on EPA picks before lifting his FERC hold [Back](#)

By Darius Dixon | 10/18/2017 05:19 PM EDT

Sen. [Jim Inhofe](#) said he doesn't plan to release his hold on Democratic FERC nominee Richard Glick until senators reach a larger deal to move ahead with President Donald Trump's nominees to the EPA.

"I've still got a hold on Glick," the Oklahoma Republican told POLITICO. He said he is "concerned that we don't have our nominees confirmed on the EPA."

Inhofe said that he has raised the issue with Senate leadership and that he hopes there might be an arrangement to consider the EPA and FERC nominees within the next month or so. Both Republicans and Democrats have raised concerns about EPA nominees.

"I don't think it could happen as one package, but it could be an agreement that they will bring those up prior to the next recess," he said of the nominees.

FERC nominees traditionally move in bipartisan packages, so Trump's pick for FERC chairman, Kevin McIntyre, will likely be stuck until Glick's nomination gets floor time.

Senate Energy and Natural Resources Chairwoman [Lisa Murkowski](#) (R-Alaska) attempted to have both FERC nominees approved just before the Senate's most recent recess earlier this month, but Inhofe objected.

WHAT'S NEXT: The Senate's next extended recess is Thanksgiving week.

To view online [click here](#).

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Frail and disoriented, Cochran says he's not retiring [Back](#)

By John Bresnahan and Anna Palmer | 10/18/2017 04:53 PM EDT

Mississippi GOP Sen. Thad Cochran insists that he is not retiring from Congress, despite widespread speculation about the veteran lawmaker's health and political future.

The 79-year-old Cochran appeared frail and at times disoriented during a brief hallway interview on Wednesday. He was unable to answer whether he would remain chairman of the Appropriations Committee, and at one point, needed a staffer to remind him where the Senate chamber is located.

"Don't believe everything you hear," Cochran said in a low voice when asked whether he plans to retire after 44 years in office.

However, when queried about whether he would stay on as Appropriations chairman, Cochran seemed confused and just repeated the question. "As chairman of the Appropriations Committee?" Cochran asked.

Cochran had to be guided by staffers around a security checkpoint inside the Capitol. He started to walk into a first-floor room — though the Senate chamber is on the second floor. He was then

ushered by an aide up to the Senate.

When another reporter asked whether leadership had pressured Cochran to return for a vote on the budget resolution — a key moment in the tax reform debate — Cochran smiled and responded, "It's a beautiful day outside."

Cochran sat quietly in his seat during Wednesday's lengthy vote session. He smiled and responded when a fellow senator stopped by to offer greetings, but generally did not speak to anyone else.

On one amendment, Cochran voted "yes" despite being told by an aide to vote "no." The staffer tried to get the senator to switch his vote, but Cochran kept flashing the "thumbs up" sign, even walking over to the clerk tallying the vote and doing so. GOP floor staffers repeatedly told him the leadership wanted a "no" vote. Several more moments passed before Cochran realized he was voting the wrong way and then changed his vote.

Cochran, who turns 80 in December, has faced questions about his health for the past several years. Cochran has been treated recently for urological problems, though his aides and political allies insisted he was fine. President Donald Trump last month spotlighted Cochran's health when he claimed that Obamacare repeal legislation would have passed had Cochran not been hospitalized. Cochran, though, wasn't in the hospital at that point.

Top Senate Republicans say they are not pressuring Cochran to retire or step down as Appropriations Committee chairman, a powerful perch from which he helps oversee hundreds of billions of dollars in government spending each year. Cochran made a career of steering federal dollars back home, working with former Senate Majority Leader Trent Lott (R-Miss.) for years to ensure their state benefited from hundreds of "earmarks" inserted in annual appropriations bills.

The use of earmarks, which were banned in 2010 after the tea party movement helped Republicans regain control of Congress, helped make Cochran popular back home. He never faced a serious challenge from 1984 until 2014. But that year, conservative outside groups attacked him during the GOP primary and Cochran barely survived a runoff. He went on, however, to easily win the general election.

Cochran's seat is viewed as particularly important, given that the GOP establishment went all out to help him beat state Sen. Chris McDaniel in the 2014 primary.

Cochran is up for reelection in 2020, and Republicans are desperate for him to stay in office and avoid a special election. McDaniel already is planning a campaign against incumbent Sen. Roger Wicker (R-Miss.) in 2018.

Cochran was first elected to Congress in 1972, making him one of the longest serving GOP lawmakers in history. His election to the Senate in Mississippi in 1978 was a watershed moment for Republicans. Cochran was the first Republican to win a statewide election in Mississippi since Reconstruction.

Now, the state is overwhelmingly red, with the GOP controlling the governorship, Legislature and congressional delegation. President Donald Trump easily carried the state in the 2016 presidential election.

The Senate has had other once-vibrant members who faced questions about whether they still had the capacity to serve as they aged. The late Sen. Strom Thurmond (R-S.C.) served until the age of 100, but was forced to give up the chairmanship of Armed Services. Another legendary lawmaker, the late Sen. Robert Byrd (D-W.Va.) was eventually replaced as chairman of the Appropriations Committee.

Burgess Everett contributed to this report.

To view online [click here](#).

[Back](#)

Interior to reverse Obama sage grouse land protection, reconsider pacts with states [Back](#)

By Esther Whieldon | 10/05/2017 01:57 PM EDT

The Interior Department says it is terminating the Obama administration's proposal to block mining on about 10 million acres of sage grouse habitat in the West, and it announced plans to alter the land-use plans the agency put in place in 2015.

In notices posted on its website that will be published in the Federal Register, the Bureau of Land Management terminated its plans set out under the Obama administration for an environmental impact statement that would have potentially led to the agency withdrawing land in so-called sagebrush focal areas in Idaho, Montana, Nevada, Oregon, Utah and Wyoming.

"The BLM has determined that the lands are no longer needed in connection with the proposed withdrawal," the notice says.

The agency is also asking for comment on changing the nearly 100 land-use plans BLM put in place under an agreement with states in lieu of listing the bird as either endangered or threatened under the Endangered Species Act.

BLM said it is re-opening the plans to comply with to a court decision earlier this year that held the agency did not adequately evaluate the designation of sagebrush focal areas in its 2015 greater sage-grouse plan amendment for Nevada.

WHAT'S NEXT: BLM will accept comments on the land use plan changes for 45 days after the notice is published in the Federal Register.

To view online [click here](#).

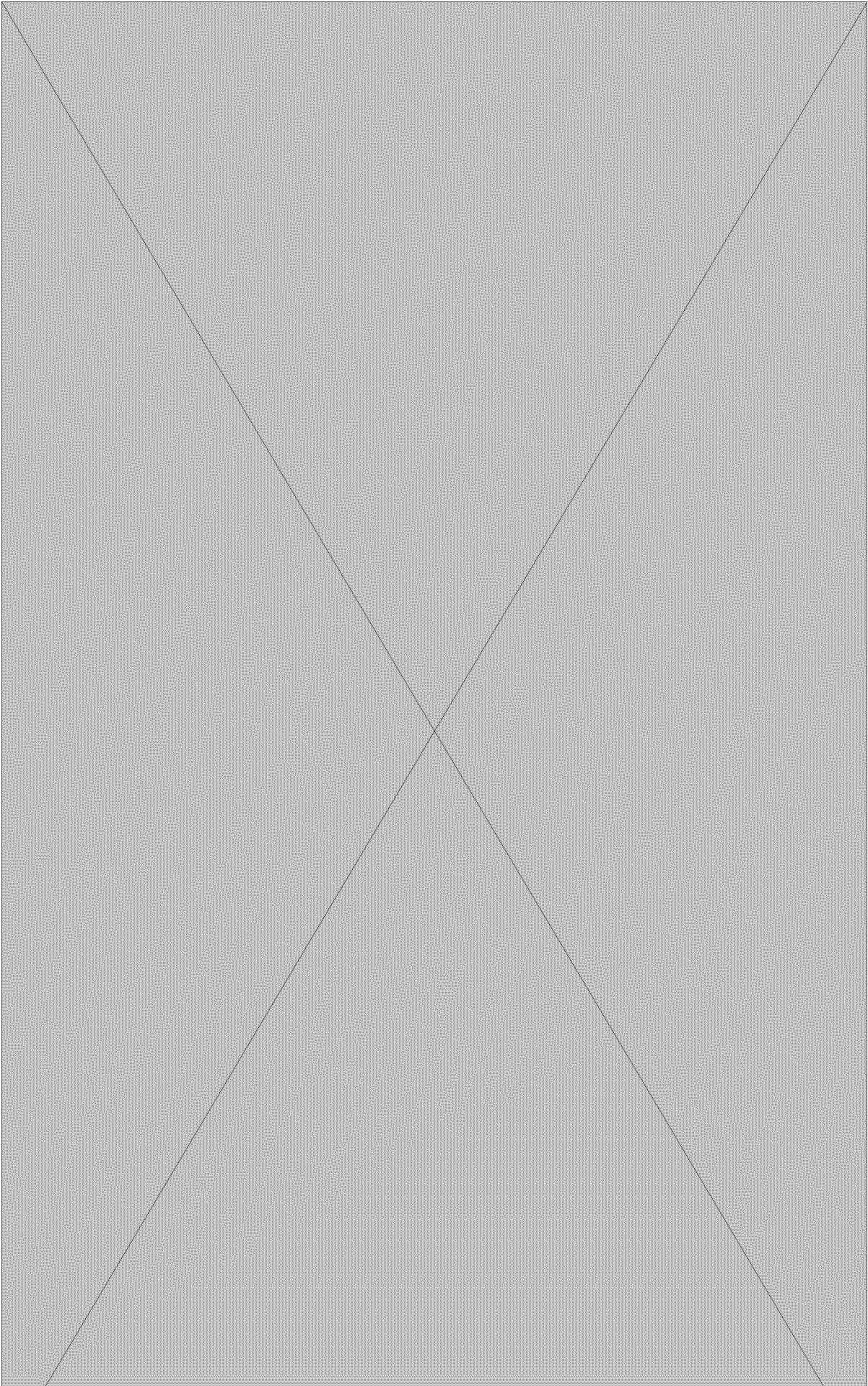
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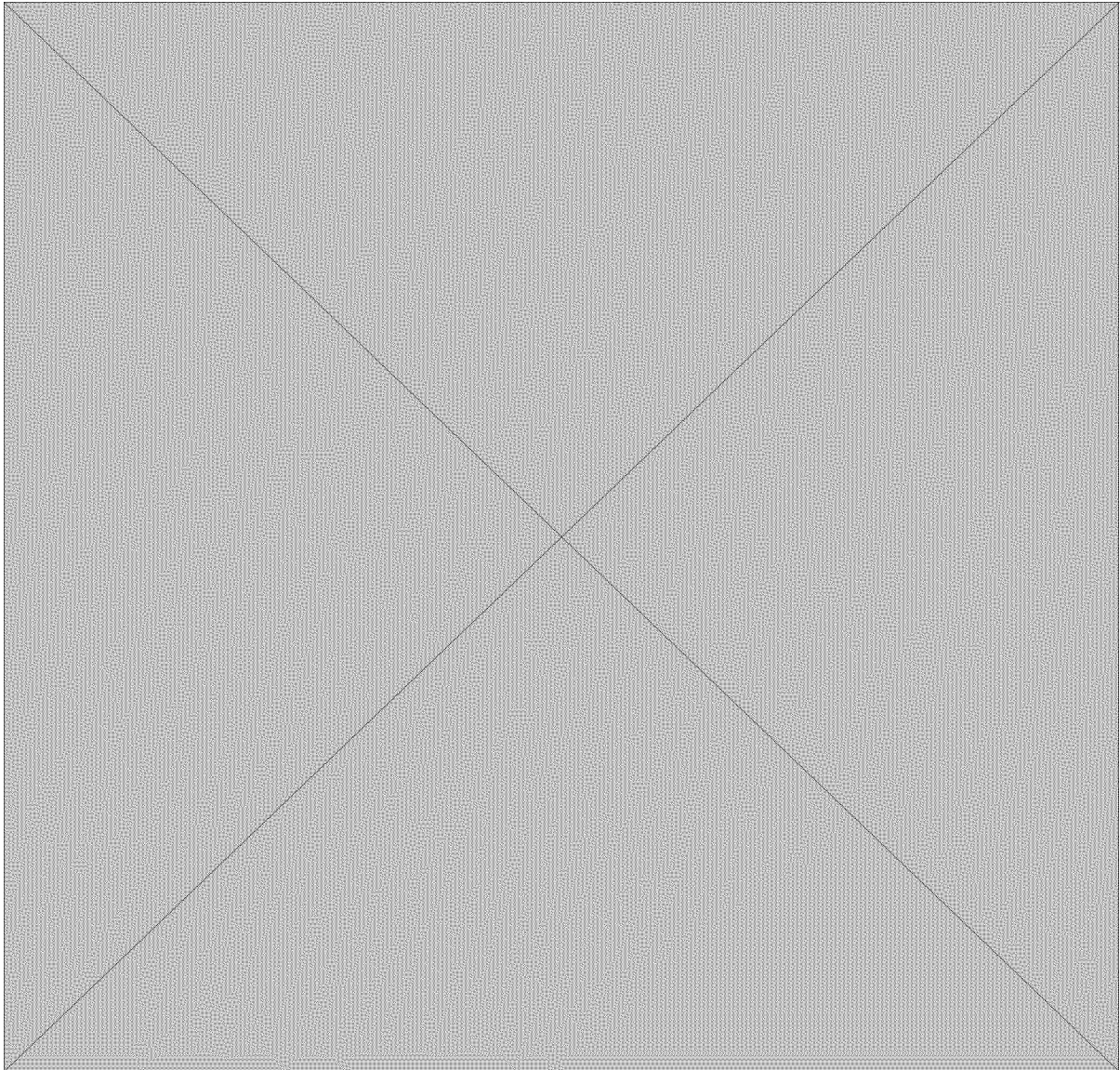
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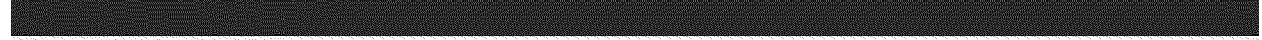




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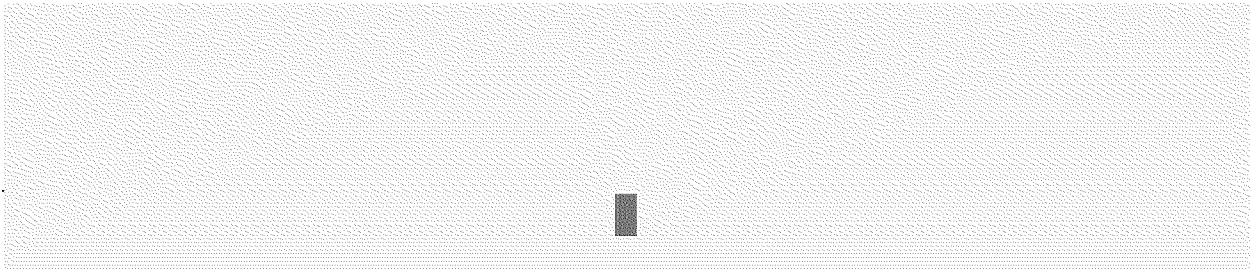
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Subject: Morning Consult Washington: New Trump Order Indefinitely Bans Most Travel From 7 Countries



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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro
Sent: Wed 10/18/2017 10:59:28 PM
Subject: Senators push McConnell, Schumer on need for 'fire-borrowing' fix

By Jenny Hopkinson

10/18/2017 06:53 PM EDT

As fire officials in California today reported progress in containing the blazes that have ravaged wine country, a bipartisan group of senators looked to leadership to solve the "fire-borrowing" problem when the upper chamber takes up a disaster-relief package in coming weeks.

Sens. Ron Wyden (D-Ore.) and Mike Crapo (R-Idaho) joined with eight other senators in a letter to Majority Leader Mitch McConnell and Minority Leader Chuck Schumer, arguing that the next emergency spending package should include the Wildfire Disaster Funding Act, S. 1842 (115) — a measure that would ensure the U.S. Forest Service and Department of Interior have "stable, reliable" resources to fight future fires.

The disaster-relief package the House passed last week included \$577 million to cover 2017 wildfires but did not include a fire-funding fix.

The Forest Service and Interior have spent nearly \$2.9 billion in fighting wildfires this year, far exceeding their allotted budgets. When the Forest Service exceeds its wildfire-suppression budget, it must siphon money from other programs, jeopardizing the effectiveness of efforts such as fire prevention. S. 1842 would fund fire suppression like responses to other natural disasters, letting the departments seek funding from Congress, instead of forcing them to borrow from other lines in their budget.

"Passage of the Wildfire Disaster Funding Act will free up funds to do the prevention work that reduces the risk of catastrophic wildfires that our country has suffered this year — funding that could have prevented the deaths of Americans, destruction of hundreds of homes and businesses, the loss of business revenue due to evacuations, and the loss of millions of acres of forests," they wrote.

To view online:

<https://www.politicopro.com/agriculture/whiteboard/2017/10/senators-push-mcconnell-schumer-on-need-for-fire-borrowing-fix-094482>

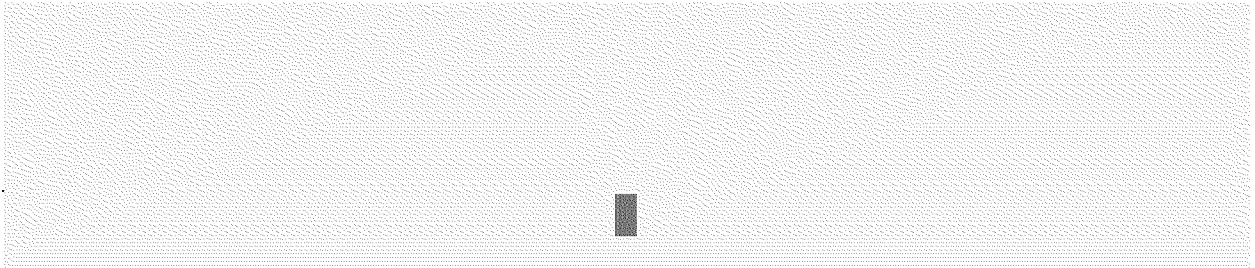
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From: Morning Consult
Sent: Mon 10/30/2017 12:54:32 PM
Subject: Morning Consult Washington, Presented by the National Association of Broadcasters:
Manafort Surrenders to FBI

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Fri 10/6/2017 8:10:06 PM
Subject: EPA Administrator Visits with Arizona Governor Doug Ducey

CONTACT: press@epa.gov

EPA Administrator Visits with Arizona Governor Doug Ducey

Pruitt Officially Approves Arizona Regional Haze State Implementation Plan

PHOENIX (October 6, 2017): Environmental Protection Agency (EPA) Administrator Scott Pruitt visited with Arizona Governor Doug Ducey today where he officially approved an Arizona Regional Haze State Implementation Plan (SIP) and a withdrawal of Federal Implementation Plan (FIP) for Coronado Generation Station ("Coronado"). This action approves a source-specific revision to the Arizona Regional Haze SIP for Coronado and withdraws from a FIP promulgated by the EPA in 2012 for Coronado, a facility located in eastern Arizona and owned and operated by the Salt River Project Agricultural Improvement District (SRP).

"Governor Ducey and the Arizona Department of Environmental Quality have delivered a thorough plan that aims to improve visibility and reduce emissions that cause regional haze," **said Administrator Pruitt**. "Our goal at EPA is not to use a one-size-fits-all approach to addressing state environmental problems, but to empower our state partners to make their own plans to address their individual environmental needs."

"Arizonans should chart their own destiny, rather than being forced to comply with one-size-fits-all policies from the federal government," **said Governor Ducey**. "What a welcome change to have EPA Administrator Pruitt who understands these decisions are best made at the state level and that taxpayer dollars can be saved by shifting decisions out of Washington, D.C."

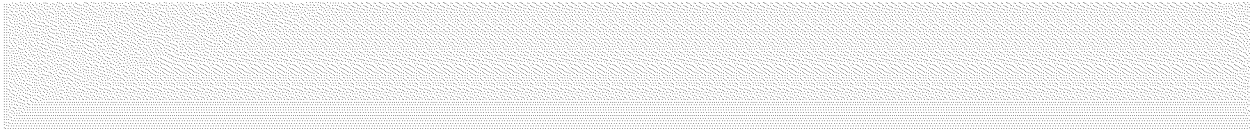
Administrator Pruitt began his visit meeting with Governor Doug Ducey to discuss replacing the Obama-era FIP. Following their meeting, Administrator Pruitt and Governor Ducey held a roundtable with Arizona industry leaders where they discussed the FIP replacement, National Manufacturing Day, streamlining regulatory burdens and permitting, the Agency's proposal to rescind the 2015 "Waters of the United States" rule, and the Agency's review of the Clean Power Plan in light of President Trump's executive order.

EPA Administrator Scott Pruitt and Arizona Governor Doug Ducey

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro
Sent: Tue 10/10/2017 11:35:40 PM
Subject: White House seeks \$4.9B to shore up Puerto Rico finances

By Sarah Ferris

10/10/2017 07:11 PM EDT

Updated 10/10/2017 07:33 PM EDT

The Trump administration today sought an additional \$4.9 billion in emergency hurricane aid to stave off what Puerto Rico's governor recently warned could become a fiscal catastrophe.

The OMB sent a formal request to House leadership this afternoon, revising its most recent recovery package request to nearly \$35 billion.

The extra \$4.9 billion would "address the immediate liquidity issue that Puerto Rico is having," OMB spokesman John Czwartacki told POLITICO. It would allow the island government to make its payroll and fund pensions amid its worst natural disaster in decades.

The White House's request exceeds the \$4 billion request from Puerto Rico Gov. Ricardo Rosselló last week, though it would be delivered in the form of a loan, rather than a grant.

In his letter to the White House, Rosselló warned that Puerto Rico's government needed an immediate cash infusion.

"In addition to the immediate humanitarian crisis, Puerto Rico is on the brink of a massive liquidity crisis that will intensify in the immediate future," the governor wrote to the White House.

The loan funds would likely be added to the storm recovery package that the House is expected to approve this week.

The House Appropriations Committee has received and is reviewing the request, a GOP aide confirmed.

To view online:

<https://www.politicopro.com/budget/whiteboard/2017/10/white-house-seeks-49b-to-shore-up-puerto-rico-finances-094113>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Fri 12/1/2017 9:15:01 PM
Subject: PHOTOS: EPA Administrator Pruitt Makes Stops in Iowa

PHOTOS: EPA Administrator Pruitt Makes Stops in Iowa

Nevada, Iowa (December 1, 2017) — Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt visited Iowa and met with the Iowa Association of Electric Cooperatives (IAEC), state officials, and farmers to discuss ongoing partnerships with the Agency.

"I was encouraged by the open dialogue with members of the electric cooperatives, Governor Reynolds, and Iowa farmers," **said EPA Administrator Scott Pruitt.** "We must continue to strengthen our partnerships with state and local leaders to further our goals of bringing regulatory certainty and clarity for Iowa and across the country."

Administrator Pruitt started the day at the IAEC annual meeting where he addressed more than 500 leaders from across the state about EPA's proposal to repeal the Clean Power Plan (CPP) and proposal to rescind the 2015 "Waters of the United States" (WOTUS) rule.

"We were honored to have Administrator Pruitt address our 500 attendees during our statewide annual meeting this morning," **remarked Chuck Soderberg, executive vice president of the Iowa Association of Electric Cooperatives.** "Iowa's not-for-profit electric cooperatives are committed to providing power that is safe, reliable, affordable and environmentally responsible. Hearing from Administrator Pruitt today made us feel confident the EPA is listening to our needs and concerns. We commend him for working to provide a common-sense regulatory framework that gives electric co-ops flexibility and certainty to meet the needs of our member-owners."

Following the electric cooperatives meeting, Administrator Pruitt met with over 150 Iowa farmers at a farm in Nevada. The dialogue was focused on the WOTUS rule, long-term plans for the Renewable Fuel Standards (RFS) program, and EPA's new standards for the use of the pesticide dicamba. Governor Kim Reynolds (R-IA) and other state officials joined Administrator Pruitt for the discussion.

EPA Administrator Scott Pruitt meets with members of the Iowa Association of Electric Cooperatives.

Chuck Soderberg, executive vice president of the Iowa Association of Electric Cooperatives, interviews EPA Administrator Scott Pruitt at the annual IAEC meeting.

EPA Administrator Scott Pruitt addresses local Future Farmers of America students in Nevada, Iowa.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy
Sent: Mon 10/30/2017 9:43:11 AM
Subject: Morning Energy: Controversial Whitefish contract axed but questions linger — Pruitt floats RIN program reforms — Beyer to federal employees: Hang in there

By Anthony Adragna | 10/30/2017 05:42 AM EDT

WHITEFISH CONTRACT CANNED: Hours after Gov. Ricardo Rossello called for its immediate termination, Puerto Rico's utility axed a \$300 million grid repair contract awarded to two-year-old Montana-based Whitefish Energy. "It's an enormous distraction," Ricardo Ramos, CEO of Puerto Rico Electric Power Authority, said at a Sunday press conference, according to the Associated Press. "This was negatively impacting the work we're already doing." Ramos said the contract's cancellation will result in delays of 10 to 12 weeks, though the company will complete work it's already started.

In a statement, Whitefish said it was "very disappointed" by the decision and claimed it would "delay what the people of Puerto Rico want and deserve - to have the power restored quickly in the same manner their fellow citizens on the mainland experience after a natural disaster." During an interview with NBC News on Saturday, Whitefish CEO Andy Techmanski welcomed an audit into the contract and said his company had "nothing to hide."

Doubt this is the end of the story: Multiple congressional committees, government watchdogs and others are still going to want to answers to why the island's bankrupt utility awarded the massive contract in the first place to the tiny company from Interior Secretary Ryan Zinke's hometown. Just Friday, the top Democrat and Republican on the Senate Homeland Security and Governmental Affairs panel asked DHS to review the contract to determine whether FEMA could be responsible for reimbursing the island's power company for Whitefish's work.

Hearings starting this week: Expect the Whitefish scandal to dominate two congressional hearings on the government's response to a string of recent hurricanes this week. Homeland Security ranking member Claire McCaskill said the contract "raises every red flag in the book" and told federal officials they had "better be ready to answer tough questions" during a Tuesday hearing. A House Energy and Commerce subcommittee holds its own session Thursday on response efforts.

ICYMI: Both the White House and Zinke on Friday denied playing any role in Whitefish landing the contract after a meeting between the Interior secretary and President Donald Trump where the topic came up, POLITICO's Cristiano Lima and Ben Lefebvre report.

Just don't say climate change: After returning from a bipartisan trip to the island, House Majority Leader Kevin McCarthy called on the government to think about resiliency as it rebuilds the island's infrastructure. "Their grid system is probably the oldest, least efficient, and one that we need to not rebuild as is but put a new 21st century grid system in there," he said on "Fox News." "When we go back and make investments there, we should prepare ourselves there will be a future hurricane some time in the future. It's happened before and it will happen again but we should prepare ourselves, so we're not repaying for the exact same thing." ME would

gently remind everyone that's exactly what the Obama-era flood standard that Trump rolled back earlier this year sought to address.

Side note: Sen. Bernie Sanders also visited the island on Friday and met with San Juan Mayor Carmen Yulín Cruz. "The level of destruction in Puerto Rico is unprecedented. Rebuilding will require significant resources over a long period of time," he tweeted.

For the record: More than a month after the hurricane hit, 70 percent of the island lacks power and more than 20 percent of people still don't have drinking water, according to government figures.

WELCOME TO MONDAY! I'm your host Anthony Adragna, and the Liberty Square Group's Jim Leahy was first to identify California, New York, Florida and Texas as the four states with the most congressional seats. For today: Who was the first president to decorate the White House for Halloween? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

TAX REFORM 101: How does our tax system really work? Who pays what—and how does it all add up? And how does the America tax system compare to international competitors? POLITICO's new explainer video series has you covered. Tax Reform with Bernie Becker is the first of an issue based animated video series that pairs expert reporters with Pulitzer Prize-winning cartoonist, Matt Wuerker, to provide you with a new way of digesting the news. Click HERE to watch.

PRUITT WANTS RIN FRAUD CRACKDOWN: EPA Administrator Scott Pruitt called for "some reforms" to the program under the Renewable Fuel Standard through which companies buy credits to comply with biofuels mandates during a Sunday radio interview. "There's lots of fraud endemic to the RIN program," Pruitt told New York radio host John Catsimatidis. "There needs to be efforts to address that and that's what the discussion will continue to be as we look at that statute." Remember that even the rumbling that Pruitt was considering tweaking the program by making biofuel exports eligible for RINs pushed Midwest Republicans to threaten to withhold votes for EPA nominees, so treading carefully seems warranted.

FOREST BILL HITS THE FLOOR: The House is expected to this week consider legislation H.R. 2936 (115) from Rep. Bruce Westerman that would overhaul a host of forest management activities and that sponsors claim will address fire-borrowing, streamline environmental review processes and minimize litigation. Critics say it undermines crucial environmental protections by using "the specter of wildfire to facilitate commercial logging on national forests shielded from public scrutiny and environmental review." The House Rules Committee meets on the measure Halloween at 5 p.m.

Confirmation hearing watch: Over in the Senate, the Commerce Committee gavels in Wednesday at 10 a.m. to consider the nomination of Rep. Jim Bridenstine to run NASA. At the same time, the Banking Committee mulls former Rep. Scott Garrett's selection to run the Export-Import Bank, which has been sharply criticized by the business community.

ME INTERVIEW — Virginia Democrat Rep. Don Beyer: The second-term member of the Natural Resources and Science committees is deeply discouraged by the first months of the Trump administration on the environment, but preparing to offer a carbon dividend bill he hopes will attract Republican support and form the basis for future action to address climate change.

His warning to Republicans: Beyer thinks the GOP may regret allowing Trump officials to ignore oversight letters and skip testifying regularly. "If you end up with a President Biden or a President McAuliffe in 2021, I can't imagine [Republicans] are going to want to think 'all the letters I write the next few years aren't going to be returned or even acknowledged.' And [that] none of their Cabinet secretaries are going to be willing to come testify before us. It's just not the right way to run the government."

His message to the demoralized federal workforce: "Please hang in there. We especially need them to stay to offset the Pruitts of the world."

MAIL CALL! BECAUSE EVERYBODY'S HEARD ABOUT THE BIRD? Seven Democratic senators, led by Colorado's [Michael Bennet](#), asked Zinke in a Friday [letter](#) to extend the comment period by 45 days as Interior [mulls changes](#) to how it and states implement conservation plans for the sage grouse in the West. "Given the importance and complexity of the proposed rule, and the intersection with BLM's resource management plans, it is essential that all stakeholders have sufficient opportunity to prepare and provide feedback," they wrote.

Please CC me on that: Ten senators, led by Florida's [Marco Rubio](#), asked OMB in a [letter](#) to send them copies of each agency's funding request as the administration prepares to request billions more in disaster relief funding.

Greens oppose Eid nomination: Ahead of a [flurry of circuit court confirmations](#) by the Senate this week, the League of Conservation Voters sent a [letter](#) urging lawmakers to oppose the nomination of Allison Eid to sit on the Denver-based U.S. Court of Appeals for the 10th Circuit. "Based on her record, if Eid is confirmed to serve a lifetime appointment on the federal bench, it could prove disastrous for environmental laws and regulations," the group wrote.

It's the Maine attraction: Maine Sens. [Angus King](#) and [Susan Collins](#) sent a [letter](#) to Zinke urging him to consider alternative solutions to address the national parks maintenance backlog rather than dramatically increasing fees at 17 parks nationwide, including Acadia National Park in their state.

NEW CAMPAIGN ON ENERGY LAUNCHES: The Consumer Energy Alliance, whose members include major manufacturers, oil and gas companies, utilities and other business groups, is launching a new push across 12 key states today to tout the benefits of energy production. In a [letter](#) to members of Congress, CEA President David Holt says the group's Campaign for America's Energy "will recognize and promote what anti-energy groups have failed to acknowledge: American energy and a healthy environment do AND must go hand-in-hand." Holt's letter does not mention climate change at all, nor outline any specific policies the campaign is supporting. Sample site from the campaign [here](#).

LCV UP FOR BALDWIN: The League of Conservation is out with a \$300,000 ad buy today thanking Wisconsin Sen. Tammy Baldwin for her support of the Great Lakes. "Baldwin worked with both parties to ensure less pollution, cleaner water, and safer lakes for Wisconsin families," the ad says.

SHORING UP: The European Union is taking steps to fortify its biggest tool for cutting greenhouse gases — the Emissions Trading System — from severe damage if Britain breaks away without a deal on its relationship with the bloc in 2019, POLITICO Europe's Sara Stefanini reports. But the moves would hit the UK hardest since its government — and others — would be left holding unusable junk permits.

MOVERS, SHAKERS: House Science Chairman Lamar Smith named Chris Wydler his deputy chief of staff for policy and legislation. Ashley Smith becomes deputy chief of staff for strategy and operations. Both previously worked in other roles on the committee.

QUICK HITS

— Accused DAPL protester moved to Fargo jail. Bismarck Tribune.

— Pollution limits in Spokane River prompt city officials to seek reprieve from EPA. Spokesman-Review.

— Report: Los Alamos lab comes up short on emergency drills. AP.

— Green energy vs. coal: A secret campaign to convince Ohioans that wind and solar would kill jobs. Inside Climate News.

— Stenehjem: Meeting with Pruitt did not violate meetings law. AP.

— How a 672,000-Gallon Oil Spill Was Nearly Invisible. New York Times.

HAPPENING THIS WEEK

MONDAY

8:00 a.m. — Carbon Dioxide Removal/Negative Emissions workshop, Environmental & Energy Management Institute, 800 22nd St NW Washington, Room SEH B1270

12:45 p.m. — A Conversation with Dr. Hoesung Lee, Chair of the Intergovernmental Panel on Climate Change, Resources for the Future, 1616 P St NW

TUESDAY

10:00 a.m. — "2017 Hurricane Season: Oversight of the Federal Response," Senate Homeland Security and Governmental Affairs Committee, Dirksen 342

10:00 a.m. — "Full Committee Hearing to Examine Opportunities for Efficiency in Building Management and Control Systems," Senate Energy and Natural Resources Committee, Dirksen 366

10:00 a.m. — Former FERC commissioners and stakeholders discuss the Grid Rule, Sofitel Washington DC Lafayette Square, Paris Ballroom, 806 15th Street NW

11:00 a.m. — "Geopolitics of Energy: The Nexus of Russia, Saudi Arabia and the Global Oil Market." Daniel Morgan Graduate School, 1620 L St. NW

WEDNESDAY

10:00 a.m. — Senate Commerce Committee confirmation hearing for Commerce and NASA nominees, Russell 253

12:30 p.m. — "A Practitioner's Approach to Financing Energy Efficiency in Emerging Market," Bernstein-Offit Building, 1717 Massachusetts Avenue NW, Room 500

3:00 p.m. — "Developing Low Carbon Economies in Latin America," The Wilson Center, One Woodrow Wilson Plaza, 1300 Pennsylvania Ave. NW

THURSDAY

9:30 a.m. — "Full Committee Hearing to Receive Testimony on the Potential for Oil and Gas Exploration in the 1002 Area," Senate Energy and Natural Resources Committee, Dirksen 366

10:00 a.m. — "The 2017 Hurricane Season: A Review of Emergency Response and Energy Infrastructure Recovery Efforts," House Energy and Commerce Energy Subcommittee, Rayburn 2123

10:00 a.m. — Legislative hearing on trio of water bills, House Natural Resources Water, Power and Oceans Subcommittee, Longworth 1324

FRIDAY

12:30 p.m. — "Dr. Ben Zaitchik on Water, Food, and Energy in the Eastern Nile Basin," Johns Hopkins School of Advanced International Studies , 1619 Massachusetts Avenue NW, Rome Auditorium

THAT'S ALL FOR ME!

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/10/controversial-whitefish-contract-axed-but-questions-linger-025277>

Stories from POLITICO Pro

Puerto Rico utility cancels controversial energy contract [Back](#)

By Colin Wilhelm | 10/29/2017 02:20 PM EDT

Puerto Rico's Electric Power Authority canceled its \$300 million contract with Whitefish Energy, a Montana-based company, after additional scrutiny surrounding the repair contract worth hundreds of millions of dollars.

The move comes after Puerto Rico Gov. Ricardo Rosselló called for the cancellation of the contract this morning. Rosselló's public call to the federal oversight board of Puerto Rico happened after days of resisting any change to the contract, according to a source with knowledge of the situation.

A spokesperson for the governor did not immediately respond to a request for comment.

Rosselló publicly objected last week to the oversight board's installation of an emergency chief transformation officer to oversee the recovery of PREPA, Puerto Rico's beleaguered government-backed power utility, after the board filed in court to do so last week. That board-installed officer is placed above PREPA's Executive Director Ricardo Ramos, who signed off on the Whitefish contract. That contract uses federal funds overseen by the utility to repair Puerto Rico's electrical grid, most of which remains offline weeks after Hurricane Maria hit the island.

The law passed by Congress last year allows the board to act as trustee for any Puerto Rico government entities that seek to reorganize their debt in court, a process similar to bankruptcy. A judge overseeing the restructuring of Puerto Rico's debt granted the request, according to a court document.

Several congressional committees sent investigative inquiries about the contract last week, and members of the House Natural Resources Committee also sought information as to why Rosselló did not seek to activate "mutual aid" agreements with nearby states to increase the number of work crews available, an action Rosselló ultimately took today.

"Transparent accountability at PREPA is necessary for an effective and sustained recovery in Puerto Rico," said Parish Braden, a spokesperson for that committee, in an email to POLITICO. "Immediate actions must also be responsibly aligned with long-term rebuilding and revitalization efforts. Success depends on the cooperation and coordination of the Governor, the Oversight Board, PREPA's Chief Transformation Officer and federal partners."

In a press conference Sunday, Rosselló urged the immediate end of an agreement between the commonwealth's electric utility, PREPA, and Whitefish Energy, a two-year-old Montana-based company whose selection for a no-bid contract worth hundreds of millions of dollars has drawn intense political scrutiny. Rosselló also criticized the federal government for a delay in sending brigades of the U.S. Army Corps of Engineers.

In a news release sent Sunday, Rosselló said his comments were "intended to reaffirm our

commitment to transparency in the contracting process in the government of Puerto Rico and to achieve the highest degree of efficiency possible in the restoration of the power grid of our island, in the shortest amount of time possible."

"The goals I established are aimed at achieving 30 percent of the power generation capacity. I am grateful for the effort that the PREPA staff is doing together with the contracted companies," Rosselló said in the release. "At the moment, PREPA and its contractors have 404 brigades working on the island, while the [Army Corps of Engineers] has seven."

Earlier this month the Washington Post reported that Whitefish had previously employed the son of Interior Secretary Ryan Zinke and that the company was selected despite having no experience in large-scale electrical repairs and with only two full-time employees. The company has subcontracted out its work on the island.

Since then the contract, initiated by PREPA using federal emergency funds, has come under congressional scrutiny and put Zinke on the defensive.

Zinke on Friday said he had "absolutely nothing to do" with the awarding of the contract to Whitefish, which is from his hometown. "Any attempts by the dishonest media or political operatives to tie me to awarding or influencing any contract involving Whitefish are completely baseless. Only in elitist Washington, D.C., would being from a small town be considered a crime," Zinke wrote in a [statement](#).

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Zinke says he had 'absolutely nothing to do with' Puerto Rico contract [Back](#)

By Cristiano Lima and Ben Lefebvre | 10/27/2017 03:53 PM EDT

Interior Secretary Ryan Zinke on Friday said he had "absolutely nothing to do" with Puerto Rico awarding a small, for-profit company from his hometown a \$300 million contract to repair the island's electrical grid in the wake of Hurricane Maria.

"Any attempts by the dishonest media or political operatives to tie me to awarding or influencing any contract involving Whitefish [Energy Holdings] are completely baseless. Only in elitist Washington, D.C., would being from a small town be considered a crime," Zinke wrote in a [statement](#).

"Neither myself nor anyone in my office has advocated for this company in anyway (sic)," he continued. "After the initial contract was awarded, I was contacted by the company, on which I took no action. All records, which are being made available to appropriate officials, will prove no involvement."

Zinke's statement came after the White House denied any role by the federal government in the deal between Whitefish Energy and the Puerto Rico Electric Power Authority.

"This is a contract that was determined by the local authorities in Puerto Rico, not something that the federal government played a role in," White House press secretary Sarah Huckabee Sanders said at Friday's briefing.

Sanders added: "But as we understand, there is an ongoing audit and we'll look forward to seeing the results of that later."

Sanders said President Donald Trump and Zinke discussed the controversy during their meeting on Friday and that the interior secretary said he had no involvement in the contract being awarded to company.

Zinke "reiterated once again that we have no role, the federal government, specifically he had no role in that contract," Sanders said.

Multiple congressional committees are probing the controversial contract, which awarded the task of restoring transmission and distribution lines damaged or destroyed by the powerful Hurricane to a small, 2-year-old company that had only two full-time employees on its payroll as the storm hit in September.

The Senate Homeland Security and Governmental Affairs Committee late Friday became the latest panel to probe the business deal. Committee Chairman Ron Johnson (R-Wis.) and ranking member Claire McCaskill (D-Mo.) asked the Department of Homeland Security to review the contract to determine whether the Federal Emergency Management Agency will be responsible for reimbursing PREPA the cost of Whitefish Energy's work.

Sanders' and Zinke's comments distancing the Trump administration from the decision to solicit Whitefish's services echo a statement released earlier Friday by FEMA.

"The decision to award a contract to Whitefish Energy was made exclusively by Puerto Rico Electric Power Authority (PREPA)," the agency said in a statement. "FEMA was not involved in the selection."

FEMA added it had "significant concerns" with how officials in Puerto Rico acquired the company's services and that it had not yet confirmed "whether the contract prices are reasonable."

Puerto Rico Gov. Ricardo Rossello said Friday, according to ABC, that there will be "hell to pay" if any wrongdoing is discovered in the contract being awarded to Whitefish.

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Trump to roll back climate-focused flood standard [Back](#)

By Annie Snider | 08/15/2017 12:41 PM EDT

President Donald Trump will roll back a flood standard designed to protect federal investments from stronger storms as part of an executive order set to be signed this afternoon, according to a White House source.

The Federal Flood Risk Management Standard was established under an [executive order](#) issued by President Barack Obama in 2015. It requires that new federally funded projects — from government buildings like Veterans Administrations hospitals to bridges and schools funded by federal grants — be built to withstand the stronger storms and additional flooding projected to occur as the climate changes. It does not apply to the National Flood Insurance Program.

The Obama administration's standard offers multiple options for achieving greater flood protection, but generally requires construction to withstand a 500-year storm. The previous standard, on the books for more than four decades, required construction to take place outside of the 100-year floodplain. The new standard has not actually taken effect yet; each federal agency is tasked with developing its own regulation for implementing the standard, and none have yet been finalized.

Industry groups objected to the standard, arguing it was developed behind closed doors and could greatly increase costs.

Environmental groups have objected to efforts to repeal the standard.

"Ninety percent of all natural disasters in the United States involve flooding. These events claim lives and strain the capacity of government agencies and local communities to adequately respond and provide relief," Laura Lightbody with the Pew Charitable Trusts said in a statement.

WHAT'S NEXT: Trump is slated to sign an executive order on infrastructure containing the roll back of the Federal Flood Risk Management standard at 3 p.m. today.

To view online [click here](#).

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Interior to reverse Obama sage grouse land protection, reconsider pacts with states [Back](#)

By Esther Whieldon | 10/05/2017 01:57 PM EDT

The Interior Department says it is terminating the Obama administration's proposal to block mining on about 10 million acres of sage grouse habitat in the West, and it announced plans to alter the land-use plans the agency put in place in 2015.

In notices posted on its website that will be published in the Federal Register, the Bureau of Land Management terminated its plans set out under the Obama administration for an environmental impact statement that would have potentially led to the agency withdrawing land in so-called sagebrush focal areas in Idaho, Montana, Nevada, Oregon, Utah and Wyoming.

"The BLM has determined that the lands are no longer needed in connection with the proposed withdrawal," the notice says.

The agency is also asking for comment on changing the nearly 100 land-use plans BLM put in place under an agreement with states in lieu of listing the bird as either endangered or threatened under the Endangered Species Act.

BLM said it is re-opening the plans to comply with to a court decision earlier this year that held the agency did not adequately evaluate the designation of sagebrush focal areas in its 2015 greater sage-grouse plan amendment for Nevada.

WHAT'S NEXT: BLM will accept comments on the land use plan changes for 45 days after the notice is published in the Federal Register.

To view online [click here](#).

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McConnell preps judicial confirmation frenzy [Back](#)

By Seung Min Kim and Josh Gerstein | 10/26/2017 01:53 PM EDT

Senate Majority Leader Mitch McConnell is launching a circuit court confirmation blitz.

The top Senate Republican on Thursday teed up votes to install four nominees to the powerful appellate courts, which give the final word on the vast majority of cases that don't reach the Supreme Court.

The nominees are Allison Eid for the 10th U.S. Circuit Court of Appeals; Stephanos Bibas for the 3rd Circuit; Joan Larsen for the 6th Circuit; and Amy Coney Barrett for the 7th Circuit. Eid and Larsen are among the names Donald Trump floated during the presidential campaign last year as potential Supreme Court picks, adding more significance to their confirmations to the appellate courts.

"By confirming these nominees we can take a big step toward restoring our nation's courts to their proper role: interpreting and applying the law based on what it actually says, not what a judge wishes it might say," McConnell said on the Senate floor. "It's quite a departure from the last administration's philosophy when it came to selecting judicial nominees."

Eid and Bibas were reported to have advanced out of the Senate Judiciary Committee earlier Thursday. Nominees typically have to wait a day after a committee vote before they can be considered on the floor, but Democratic senators gave consent to speed up the process in exchange for not working on a Friday, a McConnell spokesman said.

Nonetheless, Senate Democrats say the nominees are being rushed to the floor, leaving senators little time to vet the candidates.

"I think it's awful fast to move," said California Sen. Dianne Feinstein, the top Democrat on the Judiciary Committee. "I think members have to read the writings, members have to take a look at their qualifications, members are leaving today. We found about it today, and it's on the floor next week."

Feinstein used a committee meeting earlier Thursday to highlight the fact that two of the court vacancies the panel moved to fill Thursday were open for Trump only because Republicans used the "blue slip" process to block President Barack Obama's nominees for the same slots.

The committee had advanced six judicial nominees other than Eid and Bibas, as well as three U.S. attorney candidates to the Senate floor.

"Last year, the Obama administration nominated different people to these same vacancies," Feinstein noted, referring to slots on the 3rd Circuit and the district court in South Carolina. "Those nominees didn't get blue slips from their home state senators, so their nominations didn't proceed. ... Not returning blue slips is the right of home-state senators."

Judiciary Committee Chairman Chuck Grassley didn't address the blue slip issue directly, but said Democrats should be wary about blocking female nominees in particular.

"I was disheartened by colleagues who voted against the two female nominees last week," Grassley said. "When the Republicans voted against female circuit court nominees in 2013, Democrats called it 'unjust.' I won't do that here to my friends, but I also don't want to see a double standard for qualified female nominees from different presidents."

While Republicans and Democrats split along party lines over four of the judicial nominees, Sen. Dick Durbin (D-Ill.) singled out Bibas for unusually blunt criticism. The Senate minority whip said an article Bibas authored in 2009 promoting electric shock and other forms of corporal punishment for criminals should keep him from the bench.

"I believe what Prof. Bibas wrote ... disqualifies him from a lifetime appointment to the second-highest court in the land," Durbin said. "This man is outside the mainstream of American legal thinking. I believe he's outside the mainstream of conservative political thinking. Who has stepped forward on the Republican side and called for what this professor has called for?"

Durbin continued: "Democrat or Republican, seriously, are we going to vote this man into this position?"

The panel ultimately split 11-9 on Bibas' nomination, as well as Eid's to the 10th Circuit, Liles Burke to a district court seat in Alabama, and Michael Juneau to a district court judgeship in Louisiana.

The transformation of the federal judiciary has been one of the enduring early successes of Trump's presidency, particularly because he entered office with an unusually high number of vacancies in the district and circuit courts.

Conservative advocacy groups have been pressuring McConnell to confirm judicial nominees more quickly, although Trump already has gotten more judges installed at this point in his presidency than his predecessor.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Center for a New American Security
Sent: Wed 10/18/2017 1:20:04 PM
Subject: Press Release: CNAS and 21st Century Fox Launch National Security Film & Television Series

CNAS and 21st Century Fox are pleased to announce the launch of the CNAS-21CF Film Series, featuring panel discussions with policy experts and elected officials around screenings of upcoming 21st Century Fox films and television programs that address national security and veterans issues.

Contact:
Neal Urwitz
nurwitz@cnas.org
(202) 457-9409

CNAS PRESS RELEASE

CNAS and 21st Century Fox Launch National Security Film & Television Series

Washington, October 18 – The Center for a New American Security (CNAS) and 21st Century Fox (21CF) are pleased to announce the launch of the CNAS-21CF Film Series. The series will feature panel discussions with policy experts and elected officials around screenings of upcoming 21st Century Fox films and television programs that address national security and veterans issues.

The first event in the series will focus on National Geographic's new miniseries *The Long Road Home*, based on ABC News Chief Global Affairs Correspondent Martha Raddatz's eponymous book. In addition to a screening of the first two episodes in the miniseries, the event will feature a roundtable discussion with Raddatz; CNAS' Phillip Carter; Gen. Peter Chiarelli, USA (Ret.); Rep. Ruben Gallego (D-AZ); and Rep. Jim Banks (R-IN). CNAS and 21st Century Fox will announce other events in the near future.

"So much of how we think about war, the struggles of veterans returning home, and how America makes decisions to put our troops in harm's way are informed by what we see on TV and in the movies," said CNAS CEO Michèle Flournoy. "From *Patton* to *The Longest Day* to *Courage Under Fire*, films often expose us to the most complicated and critical issues in national security. For an American citizenry increasingly removed from the experiences of men and women in uniform, movies and TV shows provide one of the best ways for people to understand the sacrifices of those who serve. I am honored CNAS is taking part in such an important series."

Chip Smith, Executive Vice President of Public Affairs at 21st Century Fox, agreed with Flournoy's assessment. "At 21st Century Fox, our goal is produce content that not only entertains, but also educates and inspires audiences around the world. Through this partnership with CNAS, we hope to use our programming to shine a spotlight on issues of war and peace that most Americans would otherwise never confront and spur substantive discussion of real policy solutions to improve our national security and protect those who serve this great nation."

For more information, please contact Neal Urwitz at nurwitz@cnas.org or call 202-457-9409.

###

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From: POLITICO Pro Energy Whiteboard
Sent: Tue 11/14/2017 10:14:20 PM
Subject: House Natural Resources: Puerto Rico utility ignored lawyers' advice in hiring Whitefish Energy

By Ben Lefebvre

11/14/2017 05:12 PM EDT

Puerto Rico's electric utility ignored advice from its own lawyers when it signed a contract with Whitefish Energy in the aftermath of Hurricane Maria, according to documents released ahead of a House Natural Resources Committee hearing today.

Law firm Greenberg Traurig advised Puerto Rico Electric Power Authority to include language in the contract that would cap the amount of money Whitefish Energy could charge, allow PREPA to terminate the agreement for any breach of contract and make Whitefish responsible for paying Puerto Rican taxes, among other requirements. But none were included, the committee said in its summary of the documents.

PREPA last month canceled the \$300 million contract with Whitefish, a relatively unknown, two-man operation based in Montana.

Puerto Rico Gov. Ricardo Rossello reiterated to lawmakers that he has launched two investigations into how the contract came about, but Natural Resources Chairman Rob Bishop (R-Utah) said the governor would have to do more if he wants Congress to support his request for disaster assistance.

"You have a credibility gap," Bishop said of PREPA's behavior. "You're asking for \$90 billion. Simply telling me you've launched two investigations isn't sufficient."

PREPA Director Ricardo Ramos, who declined to attend the House hearing, told the Senate Energy and Natural Resources Committee earlier today that he ultimately chose Whitefish Energy because no other companies would work with the bankrupt territory. In response to questions from Ranking Democrat Maria Cantwell (D-Wash.), Ramos said he was not aware of anyone with PREPA receiving kickbacks from the company.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/11/house-natural-resources-puerto-rico-utility-ignored-lawyers-advice-in-hiring-whitefish-energy-095675>

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From: POLITICO Pro Energy Whiteboard
Sent: Fri 10/6/2017 7:28:58 PM
Subject: EPA watchdog expands investigation into Pruitt's travel

By Alex Guillén

10/06/2017 03:26 PM EDT

EPA's inspector general says it is expanding the scope of its previously announced probe into Administrator Scott Pruitt's travel to include all of his travel.

The IG's office already opened an audit of Pruitt's travel to and from Oklahoma following complaints that he spent too much time back in his home state. In recent weeks, Democratic lawmakers and outside groups have called for the IG to look at whether Pruitt's non-commercial flights were necessary and appropriate expenses.

According to a [memo](#) dated Thursday and released today, the significantly expanded scope will consider the "frequency, cost and extent" of Pruitt's travel through Sept. 30, as well as whether agency procedures were followed by Pruitt, his security and his staff, and whether those procedures are properly designed to prevent fraud, waste or abuse.

"To accomplish these objectives, we will review supporting documentation and conduct interviews with management and staff to determine whether the EPA followed applicable policies and practices, and complied with federal requirements," the memo says.

WHAT'S NEXT: The investigation is likely to take several months to complete.

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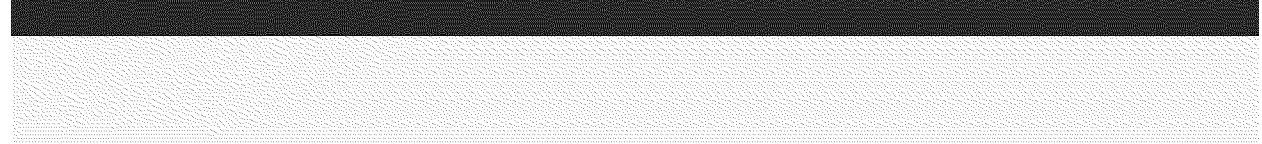
<https://www.politicopro.com/energy/whiteboard/2017/10/epa-watchdog-expands-investigation-into-pruitts-travel-094047>

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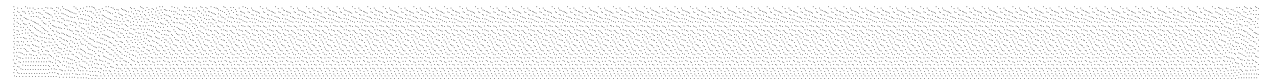
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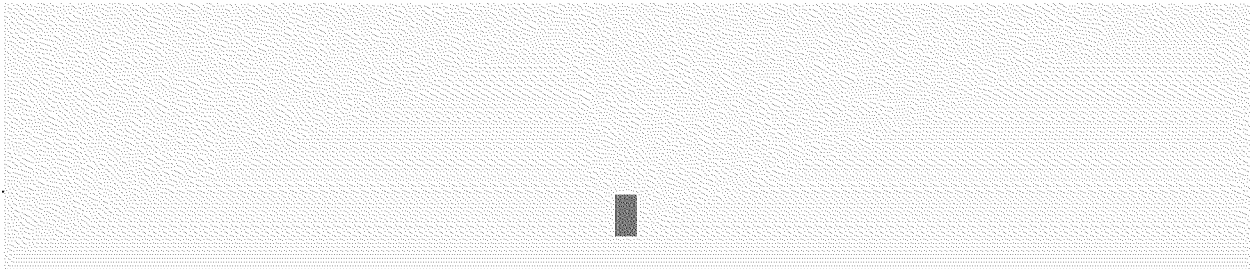
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From: Morning Consult
Sent: Wed 10/18/2017 12:53:36 PM
Subject: Morning Consult Washington: GOP Voters Say Trump Represents Their Values Better Than Congressional Republicans



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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Women Rule
Sent: Fri 10/6/2017 7:03:19 PM
Subject: You're Invited | Women Rule Cocktails & Conversation - Women in STEM

Dear Samantha,

We invite you to join us on Wednesday, October 11, for a cocktail conversation with the Women Rule community on women in science, technology, engineering and mathematics. Please find the official invitation below and look out for an update on speakers soon.

When: Wednesday, October 11th | 6:00 – 8:00 PM

Where: Google Offices | 25 Massachusetts Ave. NW – 9th Floor

We do hope you can join us on the 11th. Kindly RSVP to the event [here](#).

Best,

Women Rule

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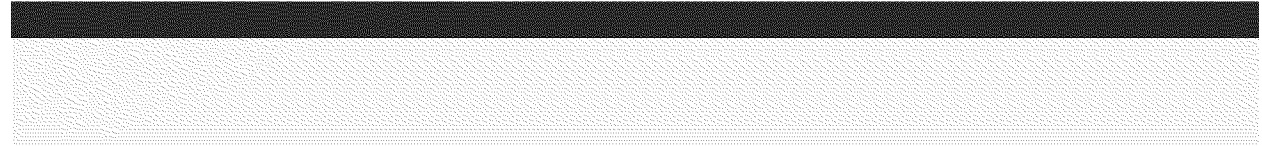
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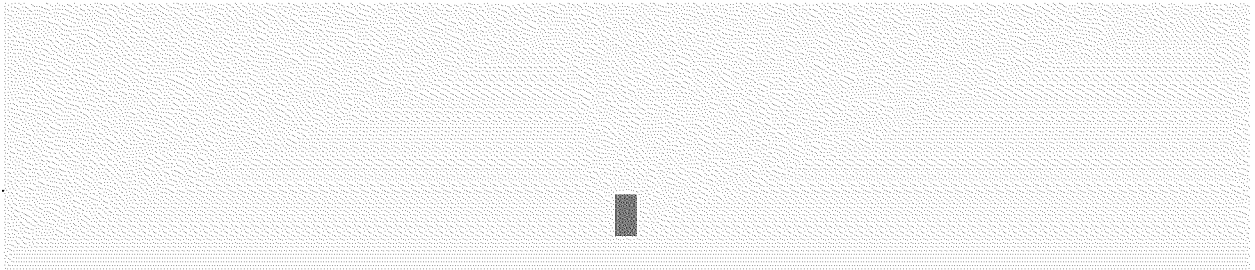
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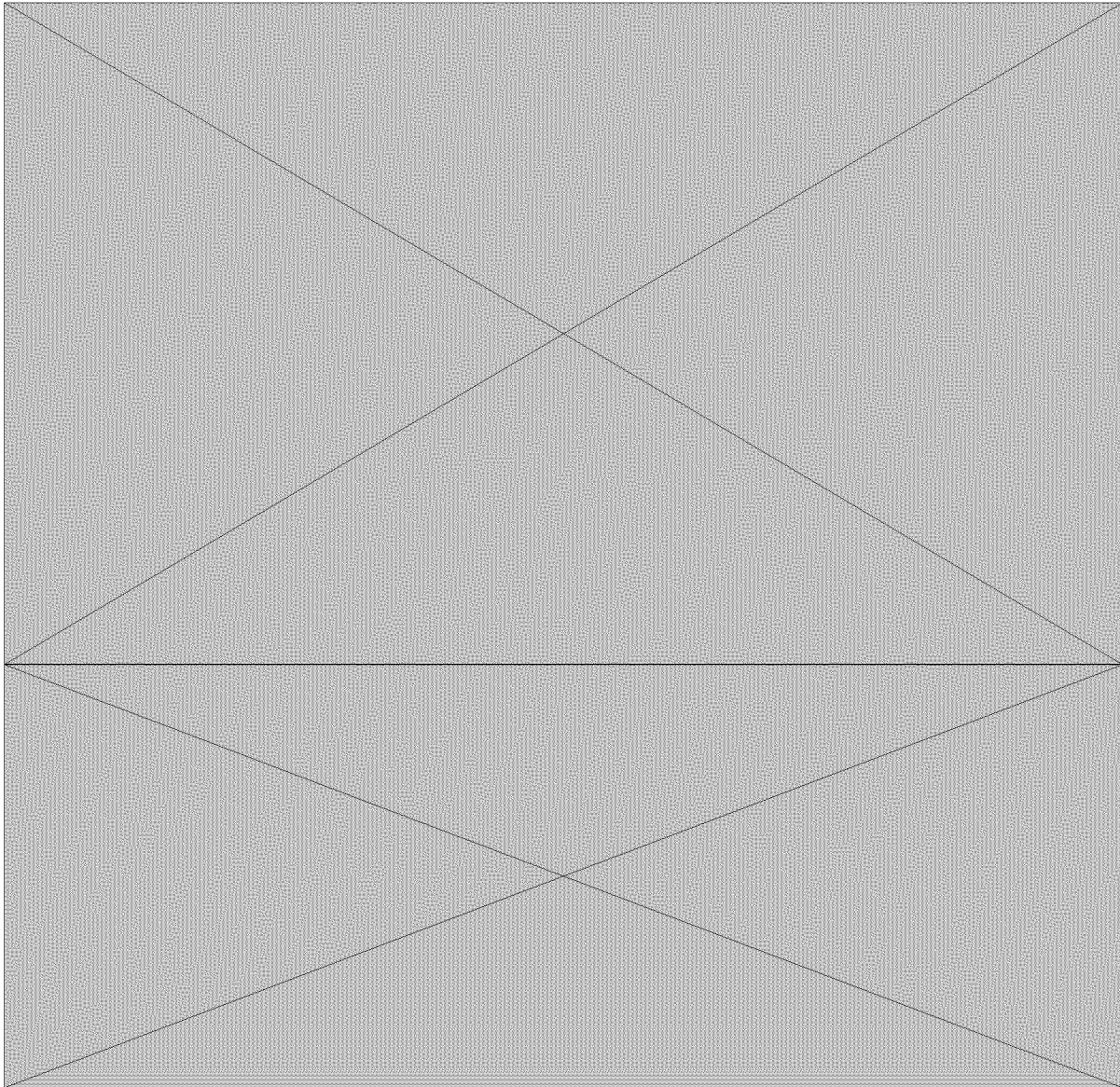
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Subject: Morning Consult Washington, Presented by the Electronic Payments Coalition: Week in Review & What's Ahead

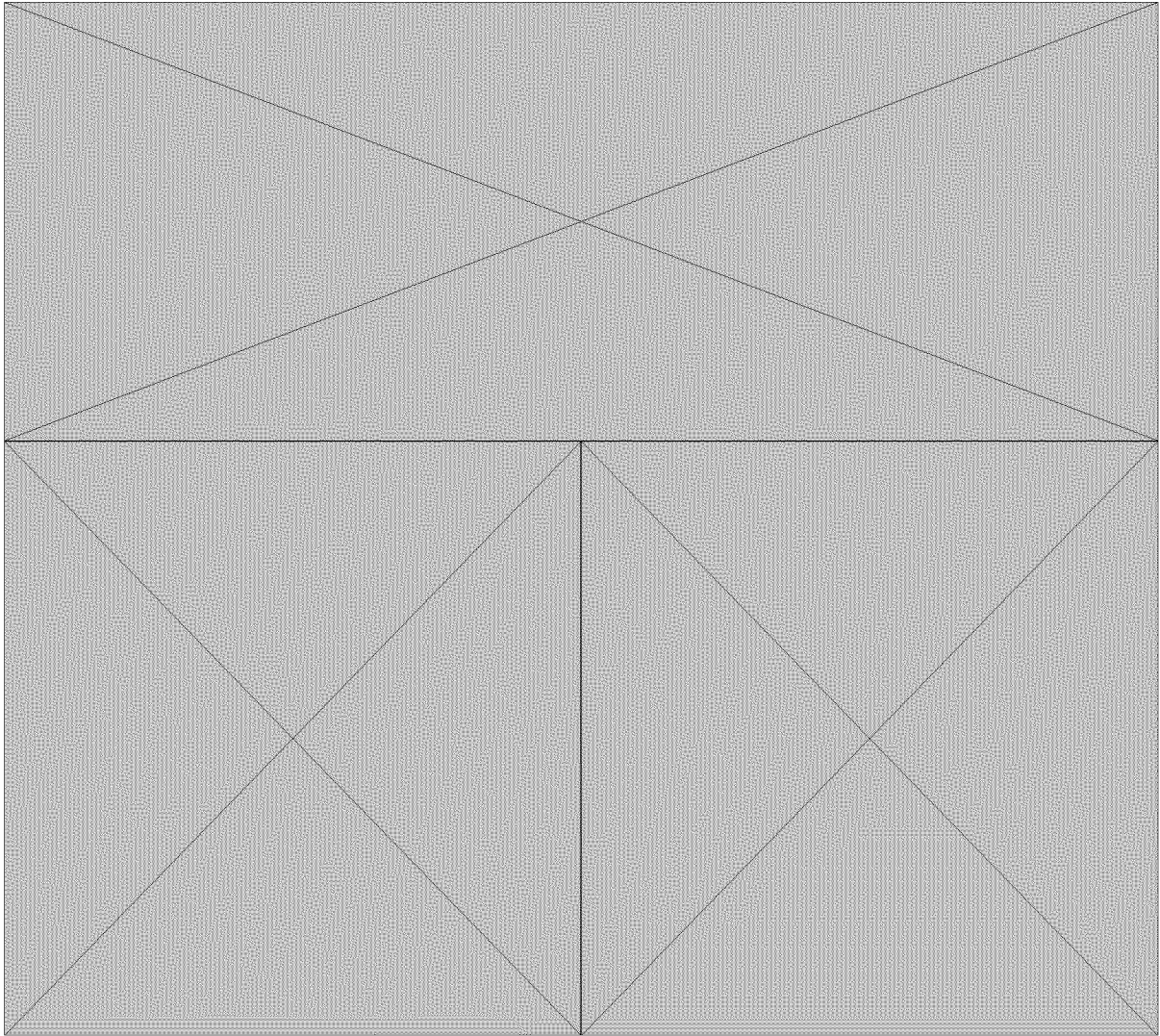




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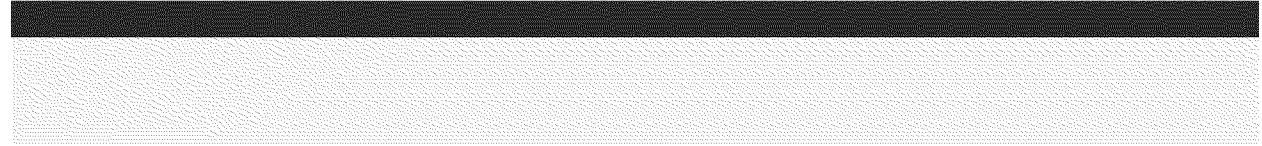




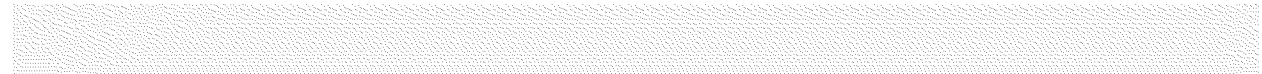
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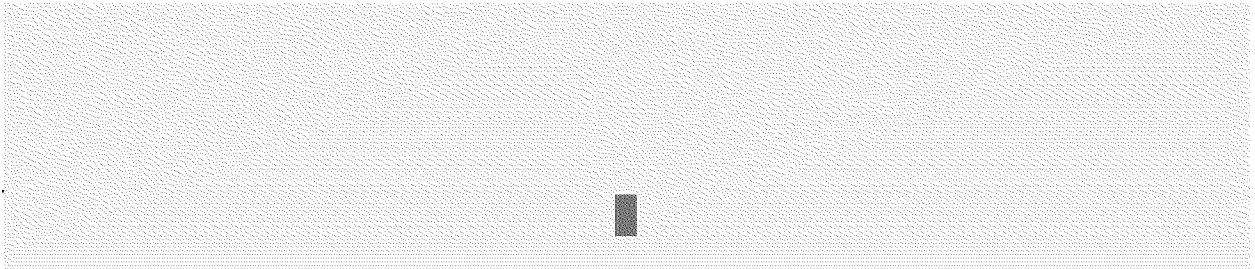
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Subject: Morning Consult Washington: Rep. Gutierrez to Announce He Won't Seek Re-election



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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Tue 11/28/2017 2:00:07 PM
Subject: ICYMI: Sen. Shelley Moore Capito: Trump EPA Bringing Positive Change

CHARLESTON GAZETTE-MAIL

ICYMI: Sen. Shelley Moore Capito: Trump EPA Bringing Positive Change

Charleston Gazette-Mail

November 27, 2017

Senator Shelley Moore Capito

https://www.wvgazettemail.com/opinion/daily_mail_opinion/commentary/sen-shelley-moore-capito-trump-epa-bringing-positive-change-daily/article_1a739990-2eb7-5a57-a274-d9069e795c83.html

This Tuesday and Wednesday, the Environmental Protection Agency is holding a listening session in Charleston on its proposal to withdraw from the Obama administration's so-called Clean Power Plan.

The Trump administration's decision to withdraw from this plan, and the decision to hear directly from West Virginians, demonstrate a positive change from the job-killing policies of the previous administration.

West Virginians expect federal agencies to follow the law. We want leaders to consider the impact of regulations on jobs and the economy. And, importantly, officials must listen to those Americans who will be most impacted by their decisions. It's clear that this administration and EPA Administrator Scott Pruitt are changing course.

The Clean Power Plan was an effort by the Obama administration to force states to turn away from coal-powered electricity. Congress never gave EPA the authority to implement such a sweeping regulatory change — and that is why the U.S. Supreme Court took the rare step of blocking implementation of the rule before it could take effect.

Legislation I introduced to overturn the rule was passed by both the Senate and the House, but was vetoed by President Barack Obama.

West Virginia is the nation's second-largest coal producing state. Because coal accounts for over 94 percent of electricity generation in our state, West Virginians would have been disproportionately impacted by the Clean Power Plan.

Our state lost thousands of good-paying jobs due in large part to other EPA overreaches. And government budgets at the state and local levels were decimated by the loss of tax revenue that coal has long provided in our state.

But Obama's EPA refused to hold a listening session on the Clean Power Plan in West Virginia.

Instead, the previous administration chose to listen in places like San Francisco, Boston and New York City.

It was clear that Obama's EPA had no desire to hear from the miners, truck drivers, railroad workers, small businesses and many others across coal country whose livelihoods would be most impacted by the rule.

At a Senate hearing, I asked former EPA Air Chief Janet McCabe why the Obama administration chose not to visit West Virginia. She responded that EPA held its public events where it was "comfortable."

After a difficult eight years, it is refreshing to see that the Trump administration is comfortable listening to the needs of working families here in West Virginia.

President Donald Trump and our Republican congressional majority are rolling back some of the worst regulatory abuses of the previous administration. In February, Congress passed, and Trump signed, legislation to block a last-minute rule proposed by Obama's Interior Department that could have cost thousands of jobs.

Everyone agrees that we need clean air and clean water; still, West Virginians should not be forced to choose between economic prosperity and a clean environment. We expect both.

That is why federal environmental laws like the Clean Water Act, and the Clean Air Act provide for cooperation between federal authorities and state officials. This structure allows states to make decisions that are best for local communities' economic and environmental needs.

The last administration upset that balance in favor of heavy-handed control from Washington. That led more than half the states to follow West Virginia's lead in filing suit against the Clean Power Plan.

Congress and the Trump administration are working to restore the proper balance that enforces our environmental laws while protecting our jobs. And we are already seeing positive results. West Virginia coal production was up 23 percent in the first half of 2017 as compared with the first half of 2016.

The Trump administration is bringing the change to regulatory policy that West Virginians voted for. I welcome the new EPA to Charleston and will continue working with President Trump to keep West Virginia a leading energy producer for generations to come.

[To Read The Full Op-Ed Click Here](#)

U.S. Sen. Shelley Moore Capito, R-W.Va., chairs the Clean Air and Nuclear Subcommittee on the Senate Environment and Public Works Committee

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From: POLITICO Pro Energy Whiteboard
Sent: Tue 11/14/2017 8:44:52 PM
Subject: State Department: Shannon to miss climate talks

By Emily Holden

11/14/2017 03:43 PM EDT

BONN, Germany — Tom Shannon, the State Department career diplomat who was set to head the U.S. delegation at international climate talks here, will not attend, according to the State Department.

Delegations from other countries had been waiting to see what tone and direction Shannon would set at the talks for the U.S. He was to be the top politically appointed U.S. diplomat at COP23.

Acting Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs Judith Garber will travel to Bonn on Wednesday to lead the delegation.

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<https://www.politicopro.com/energy/whiteboard/2017/11/state-department-shannon-to-miss-climate-talks-095662>

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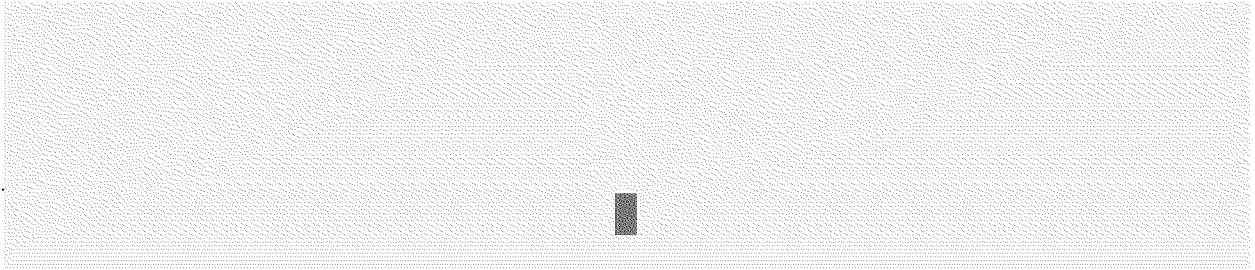
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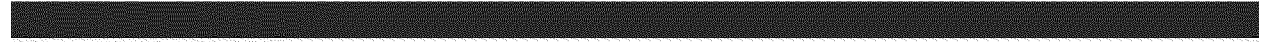
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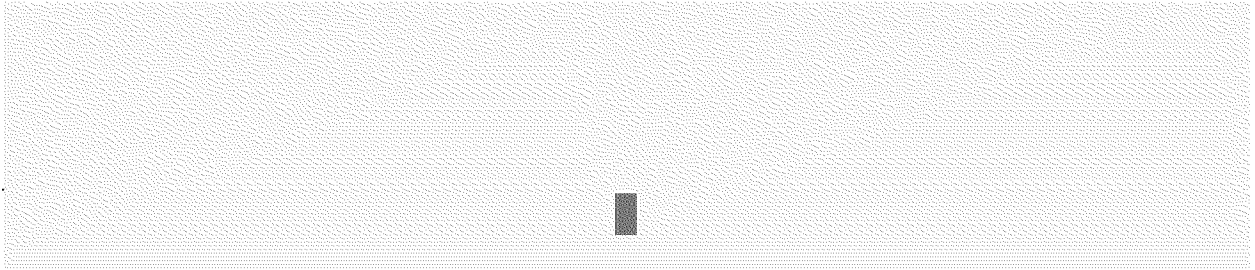


To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Fri 10/27/2017 1:05:29 PM
Subject: Morning Consult Washington, Presented by the Electronic Payments Coalition: Trump Administration Moves Forward With Russia Sanctions After 4-Week Delay

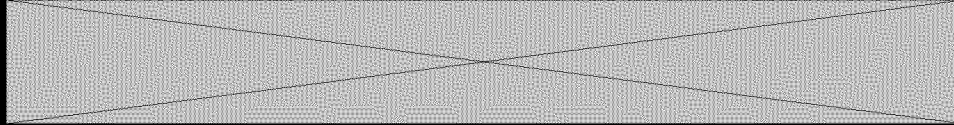


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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: CommercialLawWebAdvisor
Sent: Fri 10/27/2017 12:09:22 PM
Subject: Announcing Our December Webinars!



Join us for these webinars! Just click on the title for more details and registration information.

COMING SOON—A SERIES ON CONTRACT DRAFTING!

Keys to Successful Contract Drafting: Four-Session Series on Crafting an Agreement That Protects Your Interests Now and When Something Goes Wrong

NEXT WEEK!

Ethical Issues for In-House Counsel: Challenges Advising Your Organization

DECEMBER WEBINARS NOW AVAILABLE!

Beyond the Basics of Contract Drafting: Exploring the More Complex Details

How to Read an Insurance Policy: Understanding Your Coverage Before a Loss Occurs

December 5, 2017 @ 1 PM (ET)

You make great investments in training, support and developing an employee and then that person leaves and uses all of that special knowledge to take your customers and business secrets to a competitor. How can you protect your company's interests before that scenario takes place? Can you use a Non-Compete/Non-Solicitation Agreement to limit the damage? Yes, if you know how to draft one that is enforceable. Please join us as we examine the key considerations for requiring that employees sign a non-compete agreement, factors that will impact whether an agreement can be enforced, and alternatives to a non-compete agreement that should be considered.

Protecting Your Intellectual Property: Proactive and Defensive Strategies for the In-House Counsel to Safeguard Assets

December 6, 2017 @ 1 PM (ET)

Every business wants to protect its intellectual property from competitors, counterfeiters, and others. However, the world of copyrights, patents, and trademarks can be confusing for those who may be unfamiliar with the intricacies of each type of IP protection. Understanding how to leverage the correct type of intellectual property protection to safeguard your company's ideas, concepts and products is paramount for the in-house counsel to protect company assets, while a knowledge of IP is essential should the company have to defend its rights during the lifespan of the business. This webinar covers the basics of intellectual property that every in-house counsel should know so that he or she is prepared in the likely event that an IP issue arises.

How to Conduct a Workplace Investigation: Reduce Employer Risks

December 6, 2017 @ 1 PM (ET)

The normal disciplinary process requires an employer to conduct a fair and thorough investigation before disciplining an employee. How the investigation is conducted often becomes the object of legal challenge and possible personal liability for the investigator. Further, the NLRB's recent confidentiality rules represent an additional requirement which employers must now add to their list of the do's and don'ts they need to be aware of when conducting an investigation. Please join us as we take you through the steps for conducting a thorough and lawful workplace investigation that helps you to decide if a disciplinary action is even warranted.

The Attorney-Client Privilege: Beyond the Basics

December 12, 2017 @ 1 PM (ET)

While the attorney-client privilege is one of the most recognizable legal doctrines in the United States, its scope, applicability and limitations often go unappreciated. Likewise, there are a number of myths related to the privilege on which many attorneys misguidedly rely every day. What communications actually are privileged? Who is the "client" when a business entity is involved? What special considerations are there if the attorney is in-house counsel? When will a third-party's presence destroy or not destroy the privilege? What happens to the privilege if a company is sold? Join us for a fast-paced discussion of the attorney-client privilege that will go well beyond the basics.

Contract Supplements: Attachments, Exhibits, Cross References and Incorporations

December 12, 2017 @ 1PM (ET)

Please join us as we thoroughly discuss the various types of supplemental documents that add clarity to your contract, when and how to incorporate them to support your agreement, and what happens in situations that call for a supplemental document relevant to the deal that is not included. We will also cover implied incorporation, including federal, state and local laws and regulations; third party beneficiaries; and common law considerations.

Corporate Governance and Interacting with the Board: The Financial Officer's Role in Decision-Making

December 13, 2017 @ 1 PM (ET)

Executives and the board of directors frequently look to the financial officer for advice to keep them (and the business) out of trouble. As such, the financial officer role has become more and more entrenched in the corporate decision-making process. Financial officers need to understand how to work with the board effectively, balancing their legal and business obligations to the company. Please join us as we examine the important relationship between the corporate board and the financial officer and provide strategies to ensure a successful partnership.

Psychiatric Disabilities: How to Accommodate & Reduce Employer Risk and Liability

December 13, 2017 @ 1 PM (ET)

Do you know: what qualifies as a psychiatric disability ... how an employee's psychiatric disability is determined ... what types of accommodation an employer is required to make ... which regulations, in addition to Americans with Disabilities Act, determine the employer's response? Let us take you step-by-step through what you should consider -- from certifying an employee as having a psychiatric disability and required employer accommodations, all the way to the additional regulations which an employer should be concerned with as well.

When the Contract Compass Points South: Dispute Resolution, Renegotiation, and Contract Interpretation

December 19, 2017 @ 1 PM (ET)

Despite our best efforts and intentions, contracts sometimes result in disputes rather than commercial success stories. From interpretation of the terms of the deal to disagreements over whether one party adequately performed, the parties will need to find a way to resolve their dispute. Please join us as we examine the various methods of resolving contract-related disputes, the benefits and drawbacks of different strategies, and what role contract interpretation plays in the decision-making process.

Hiring Employees in Canada or Mexico? Employment and Labor Law Issues You Need to Know

December 20, 2017 @ 1 PM (ET)

Despite their geographic proximity to the United States, Canada and Mexico have employment and labor laws that differ materially from those of the United States, with many more laws that protect the employment, compensation, separation and data privacy rights of employees. Please join us as we focus on many of the employment and labor laws of Canada and Mexico that U.S. and other multi-national employers interested in hiring employees in Canada and/or Mexico, or placing employees in either country, should understand in order to best comply with the laws and leverage their business opportunities.

NOVEMBER WEBINARS AVAILABLE!

Vendor Management and Contract Negotiations: Defining Relationships and Setting Terms

November 8, 2017 @ 1 PM (ET)

Every business has vendors that support its operations, and usually financial officers must negotiate the terms of the contracts that support these relationships, not to mention dealing with the aftermath if something goes wrong

down the road. As such, the financial officer plays a key role in managing vendors throughout the relationship with the company, from contract negotiation to evaluating performance. Establishing key processes to facilitate this effort is paramount to remaining organized and aware of these relationships throughout their lifecycle, especially if a vendor fails to perform. Please join us as we address the financial officer's role in managing vendors and negotiating agreements. We offer useful tips on some common terms and conditions every agreement should include to protect your company.

The War Against Fiduciaries: A Growing Trend in Trust & Estate Litigation

November 9, 2017 @ 1 PM (ET)

Since the financial crisis, trust and estate litigation has increased at an alarming rate. The most common targets in these lawsuits are the fiduciaries tasked with maintaining and distributing the trust and estate assets, with many lawsuits contending that fiduciaries are unable to effectively manage the complex trust and estate matters for which they are responsible. Further, plaintiffs can cast a wide net when it comes to individual liability exposure, meaning that any or all of the involved trustees, managers, employers, and even those who may have decided to transfer fiduciary duties to a third party are at risk. This webinar explores the different parties who are charged with a fiduciary duty, the duties and obligations of these fiduciaries, and the tools fiduciaries need to prepare for and fight on this growing battlefield.

Exempt or Non-Exempt Worker Classification: What the FLSA Requires

November 9, 2017 @ 1 PM (ET)

The Department of Labor (DOL) continues its aggressive crackdown on employers for improper classification of workers as exempt when the employee is actually non-exempt under the Fair Labor Standards Act (FLSA). The risk to employers from getting the exempt versus non-exempt classification decision wrong is not only from the DOL, but also from possible employee litigation. Properly determining who qualifies for overtime pay and who doesn't, however, is more complicated than it appears. Please join us we show you step-by-step how to determine when an employee is exempt or non-exempt based on FLSA requirements.

Independent Contractor or Full-Time Employee Classification: DOL & IRS Requirements, FLSA Rules for Using Unpaid Interns, and the Withdrawal of the DOL Administrator's Interpretation on Misclassification

November 14, 2017 @ 1 PM (ET)

The Department of Labor and the Internal Revenue Service are both stepping up their enforcement efforts with random audits, and levying significant financial penalties when they find that a worker has been classified incorrectly. Even the states are getting into the act with new laws penalizing employers for misclassifying workers. There is no question that HR needs a better understanding of how to apply the many rules and criteria when determining if employees are truly independent contractors or are actually employees. Please join us as we take you step-by-step through your own independent contractor self-audit to make sure that you have everyone classified correctly and are prepared with the documentation you need should your employer be selected for an audit.

Indemnifications: Problems and Pitfalls, Advantages and Solutions

November 14, 2017 @ 1 PM (ET)

"Indemnity," quite simply, means a legal duty to make good on any loss, damage or liability incurred by someone else. Effectively, when you or your client assumes an indemnification obligation, the risk shifts from the other party directly onto you or your client's back. It's no exaggeration to state that they are the most common deal breakers in contract negotiations and the most hotly contested clauses when the contract goes south and winds up in litigation. Please join as we delve deep into the risk-management thicket of indemnities, other limitations on liability, and related considerations.

FLSA Compensable & Overtime Rules: FLSA Requirements

November 15, 2017 @ 1 PM (ET)

What qualifies as compensable time? The FLSA is clear on this, but oftentimes employers aren't. Getting it wrong can be costly in terms of potential fines and possible litigation. Please join us as we explain the compensable and overtime rules step-by-step, give examples of the problems employers face and offer practical solutions that will keep you in compliance with the FLSA overtime and compensable time requirements.

Another New I-9 Form: Step-by-Step Review to Reduce Compliance Questions, Risks & Possible Penalties

November 16, 2017 @ 1PM (ET)

The U.S. Citizenship and Immigration Services (USCIS) has been making several revisions to its I-9 form within the last year. Employers understand that they need to ensure that their I-9 forms are in order or risk potential fines, penalties, and possibly even jail time. The new I-9 form only adds to the current complex atmosphere surrounding employment and immigration issues. To avoid potential problems, employers need to come up to speed quickly on the new I-9 form and understand what changes they may need to make to their current employee verification

procedures. This webinar reviews the federal requirements that govern your employer's I-9 practices and goes through the changes to the I-9 employee verification form and how these may affect the employee verification procedures you already have in place.

Background Checks, References, and Pre-Employment Testing: New Legal Pitfalls for Employers

November 21, 2017 @ 1 PM (ET)

The failure of employers to adequately check or test the background of applicants can result in harm and liability for negligent hiring and reckless endangerment. BUT the "victims" of improper background investigations also have legal challenges. Please join us as we explain an employer's need for secure and effective hiring while avoiding improper practices. We will review the key points relating to: negligent hiring, criminal background checks, reference checks, pre-employment testing, the Fair Credit Reporting Act, the ADA, Title VII discrimination, honesty, "right fit" and personality traits testing.

The Foundation of Contract Drafting: The Devil Is in the Details

November 28, 2017 @ 1 PM (ET)

Experienced attorneys know that a well-drafted contract can serve to define the parties' relationship in an agreement in order to avoid conflicts down the road and as the vehicle for conflict resolution when things go south. Ambiguities, omissions and inconsistencies can doom the relationship and complicate any subsequent conflicts. Please join us as we discuss the core principles that should appear in any well-drafted contract to help ensure that the parties' relationship on paper is well-defined and includes the proper safeguards to protect your client's interests.

Raising Capital, Finding Investors, Crowdfunding, and Crowdsourcing: Issues When Seeking Money to Grow the Business

November 29, 2017 @ 1 PM (ET)

Often, businesses face the need to raise capital or find investors to facilitate business growth. It isn't as simple as just taking money from a willing investor, however. Adding investors to your business can raise all sorts of challenges, from its impact on the existing ownership structure of the business to complying with securities laws and reporting obligations. This webinar offers insights into the various ways to raise capital, as well as the legal issues that every counsel should understand to help the company choose the best course of action.

Employee Handbook Update: Important Revisions to Ensure Legal Compliance and Avoid Liability

November 29, 2017 @ 1 PM (ET)

All employers should have well-drafted employee handbooks to communicate policies and procedures that apply to the workplace. Too often, however, those handbooks are not reviewed or updated regularly despite rapid changes to the legal landscape when it comes to employment and labor issues. This webinar will help you better understand important protections that your employee handbook needs to contain to best protect you, and what recent legal issues require revisions.

See a full list of upcoming webinars.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy
Sent: Tue 11/28/2017 10:39:07 AM
Subject: Morning Energy: Clean Power Plan fever takes hold today in West Virginia — Keystone pipeline restarts today after spill — McCaskill has more questions on Whitefish

By Anthony Adragna | 11/28/2017 05:37 AM EDT

With help from Emily Holden

HEARING TIME! Some of the Clean Power Plan's biggest critics will urge EPA to replace the regulation at hearings beginning today in West Virginia — a message that conflicts with political pressures Administrator Scott Pruitt faces from conservative interests who want him to deny man-made climate change. The National Rural Electric Cooperative Association, U.S. Chamber of Commerce and representatives of major utilities that all opposed the rule will nonetheless call for EPA to write a new one that will stand up to lawsuits and provide planning certainty.

What they're thinking: The Electric Reliability Coordinating Council, which represents heavyweight utilities such as Southern, Duke and Ameren, says EPA should write flexible standards aimed at improving coal plant efficiency. NRECA, which speaks for many coal-reliant, consumer-owned co-ops, wants EPA to draft a rule and defend it through lengthy legal battles before the end of this administration. "The swing of the pendulum back and forth doesn't make it any easier to keep power costs affordable and power reliable," said Kirk Johnson, NRECA's senior vice president of government relations. "We've urged EPA to advance the ball on replacing the Clean Power Plan. We do think it's worth moving expeditiously to craft a replacement regulation." The U.S. Chamber of Commerce, which has repeatedly attacked the Clean Power Plan as job-killing, will argue for "durable and achievable standards," according to prepared remarks.

But that's not the only take: The influential companies lobbying for a new rule could run up against climate change-denying groups like the Heartland Institute and coal CEO Bob Murray, who want Pruitt to fight a science-based endangerment finding requiring climate regulations and would see a new rule as tacit acceptance that the finding is unbeatable. EPA will have to address the issue in its advanced notice of proposed rulemaking, which is expected to raise questions about whether EPA should work on a replacement rule at all. And coal miners will appear today to support withdrawing the rule.

Greens out in force too: The Sierra Club will host its own alternative hearing at the nearby University of Charleston. Bill Price, a regional Sierra Club staffer, said EPA is holding the sole hearing in West Virginia to try to make it look like there's support for the repeal. But he says many West Virginians welcomed the rule because of the job opportunities it could create in energy efficiency and renewable power.

Reminder: EPA will accept comment on its proposed repeal through Jan. 16.

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and Glover Park Group's Hayley Moller correctly guessed that approximately 42 percent of Americans have valid

passports (There were 136,114,038 valid passports in circulation in 2017, per the State Department, and the U.S. population at the start of the year was 324,309,805, according to the Census). For today: Who was the most recent House lawmaker to posthumously win reelection? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

KEYSTONE BACK IN (REDUCED) BUSINESS: TransCanada announced Monday its Keystone pipeline would resume operations today at "reduced pressure" as it recovers from a South Dakota spill. "We are communicating plans to our customers and will continue working closely with them as we begin to return to normal operating conditions," the company said. TransCanada said plans to restart the line have been reviewed and cleared by PHMSA.

ICYMI, the company also asked the Nebraska Public Service Commission to "address questions" raised by its decision approving an alternate route for a proposed expansion of the Keystone pipeline through the state, Pro's Ben Lefebvre reports.

LATEST IN ENCRYPTED APP PROBE: Cause of Action is today filing a lawsuit in federal court seeking to compel the release of records from EPA about its efforts to scan for whether encrypted messaging apps, especially Signal, had been installed on agency equipment by employees. A prior lawsuit related to unfilled FOIA requests revealed records showing the agency was probing the use of encrypted apps by career staff following a POLITICO story detailing how a small group of employees had resorted to encrypted communications as they figured out how to respond to the Trump administration.

HOW TO KEEP THE GOVERNMENT RUNNING: Congressional leaders meet with President Donald Trump today on the thorny issue of how to keep the government open but there are just 12 days left until funding runs out, Pro Budget & Appropriations Brief reports. But Washington is no longer wondering if Congress will need to lean on another stopgap spending bill — the question is: For how long?

KEEP AN EYE HERE: Supreme Court justices seemed divided Monday on a case focusing on two rival oil companies that challenged the constitutionality of the Patent and Trademark Office's system for handling patent challenges outside the courts, POLITICO's Sarah Karlin-Smith reports. Oil States Energy Services argued that the existing agency process, known as inter partes review, is unconstitutional because patents are private property that can only be taken away through the court system.

ACCESS DENIED: The 9th Circuit Court of Appeals said Monday it won't transfer a lawsuit over one of the agency's implementation rules under the reformed Toxic Substances Control Act to another court, Pro's Alex Guillén reports. The decision means the 4th Circuit, which said it would wait to decide its path forward until the 9th Circuit had ruled, could choose to transfer its evaluation rule lawsuit to the 9th Circuit or instead to keep it.

SCIENCE PANEL LOOKS AT WOTUS: The House Science Committee subpanel hears perspectives on states' role in the future of the waters of the U.S. regulation today at 10 a.m. Arguably the most interesting witness to appear is Ken Kopocis, who served for years as the top

water official at EPA during the Obama administration but never got a vote in the Senate.

FERC, DOE BRASS SPEAK THIS MORNING: FERC Chairman Neil Chatterjee delivers remarks to the Consumer Energy Association's "Future of Electricity Forum" today at 9:20 a.m., followed by DOE Under Secretary for Energy Mark Menezes. Other notables expected to speak include Reps. [Richard Hudson](#) and [Bill Flores](#).

TAKING STOCK: The Environmental Defense Fund has completed [an analysis](#) of the Senate's proposed EPA and Interior spending package that it deems "a quiet assault" on public health and the environment. Of particular concern are provisions in the chairman's mark that would eliminate the Integrated Risk Information System, a chemical safety program, and significant cuts to enforcement and various Clean Air Act programs. "The White House, House and Senate budget cuts all would require EPA to continue to lay off public health experts, scientists, environmental engineers as well as staff that manage grants to state and local communities," EDF notes.

MAIL CALL! TIME'S OF THE ESSENCE! A bipartisan group of 11 senators sent [a letter](#) to the Army Corps of Engineers expressing serious concerns about potential delays in completing an action-plan for keeping Asian carp from reaching the Great Lakes. "It is imperative that the [Army Corps] meet the original timeline for completing the Chief's Report by January 2019," the letter, led by [Debbie Stabenow](#) and [Rob Portman](#), wrote. "This timeline is particularly concerning given recent findings that demonstrated new ways for Asian carp to enter the Great Lakes."

Whitefish probes continues: Sen. [Claire McCaskill](#), ranking member on the Homeland Security Committee, sent [a letter](#) Monday seeking a briefing on what, if any, role FEMA played in reviewing a draft contract from Whitefish Energy from grid repair work in Puerto Rico. "Recently released documents appear to indicate that FEMA attorneys in the local office and at headquarters reviewed versions of the draft contract by PREPA and Whitefish," she wrote.

SOLAR CAPACITY'S BIG YEAR: Bloomberg New Energy Finance is out with [new research](#) finding 34 gigawatts of new solar-power generating capacity came online in 71 emerging market countries last year. China, at 27 gigawatts, accounted for the bulk of the new capacity, but India, Brazil, Chile, Jordan, Mexico and Pakistan all reported strong installations as well.

NRDC HITS COMSTOCK: The Natural Resources Defense Council is out with a six-figure ad on television and social media urging Rep. [Barbara Comstock](#) to oppose the finished version of congressional tax legislation. The Virginia Republican backed the House-passed version [H.R. 1 \(115\)](#) previously. Watch it [here](#).

HEADS UP: The Center for Climate and Energy Solutions and The Climate Registry will today announce Bloomberg Philanthropies as the replacement sponsor for their [Climate Leadership Conference](#) to be held next February in Denver. It'll fill the void left after EPA pulled out of sponsorship earlier this year.

NOW PRESENTING: New DOE Assistant Secretary for Fossil Energy Steve Winberg makes

his first public appearance since confirmation this morning as the Global CCS Institute releases its annual report on the status of carbon capture and sequestration technologies. Watch [here](#).

TAKE A GLANCE! The Competitive Enterprise Institute is out with a paper today backing Pruitt's pledge red team - blue team climate science debate. Read [here](#).

BIG PENALTY IN STORE: Fines stemming from the emissions cheating scandal may cost Fiat Chrysler up to €9.6 billion in France, POLITICO Europe's Sara Stefanini [reports](#), citing [documents](#) posted by Le Monde.

LIGHTER CLICK: Beatles legend Paul McCartney [tweeted](#) his support for climate action and NRDC on Monday. "Climate change is a real issue and no effort is too small when it comes to protecting and preserving our planet," he wrote.

MOVER, SHAKER: Melisa Klem has left her position as executive director of the Society of Environmental Journalists. The organization will immediately launch a search for a replacement.

QUICK HITS

— Environmentalists sue Forest Service to overturn Rosemont Mine approval. [Arizona Daily Star](#).

— Wind Power Capacity Moves Past Coal in Texas. [AP](#).

— U.S. oil falls on Keystone restart, doubts about Russia's resolve. [Reuters](#).

— Stakes Are High for Solar Power as Puerto Rico Rebuilds. [WNYC](#).

— Everglades oil well application rejected. [Sun-Sentinel](#).

— Venezuela's military is reportedly taking over the country's state oil giant. [CNBC](#).

HAPPENING TODAY

9:30 a.m. — "[Status of Carbon Capture 2017](#)," Center for Strategic and International Studies, 1616 Rhode Island Avenue, NW

10:00 a.m. — Senate Environment and Public Works Committee holds a nomination [hearing](#), Dirksen 406

10:00 a.m. — "[Security and climate change in the Pacific: from Asia to the US](#)," International Institute for Strategic Studies, 2121 K Street NW, Suite 801

12:00 p.m. — "[Green Tyranny: Exposing the Totalitarian Roots of the Climate Industrial Complex](#)," Heritage Foundation, Lehrman Auditorium, 214 Massachusetts Ave NE

1:30 p.m. — "Energy and Development: Providing Access and Growth," Center for Strategic and International Studies, 1616 Rhode Island Avenue, NW

2:00 p.m. — "Can tax reform include a carbon tax?" Brookings Foundation, 1775 Massachusetts Ave. NW

4:30 p.m. — "Oil's Coming Decade of Disorder," Securing America's Future Energy, 918 F St. NW

5:00 p.m. — House Rules Committee meets to consider two bills, including one reauthorizing the Brownfields program, H-313

THAT'S ALL FOR ME!

To view online:

<https://www.politicopro.com/newsletters/morning-energy/2017/11/clean-power-plan-fever-takes-hold-today-in-west-virginia-033969>

Stories from POLITICO Pro

TransCanada asks Nebraska regulators to reconsider Keystone XL route decision [Back](#)

By Ben Lefebvre | 11/27/2017 04:24 PM EDT

TransCanada asked Nebraska regulators to reconsider their decision approving an alternate route through the state for the Keystone XL pipeline, according to a new filing.

The company's motion to reconsider, filed Friday, is an effort to get the Nebraska Public Service Commission to "to address some questions that were raised by" its Nov. 20 approval of a new path for the pipeline that differed from TransCanada's preferred route, according to company spokesman Terry Cunha. "It is not an attempt by TransCanada to have the PSC alter its approval of the Alternative Mainline route," he said.

TransCanada asked the PSC to "consider Keystone's filing of an amended application in accordance with the findings of the Commission that the Mainline Alternative Route is in the public interest," according to the filing. Nebraska landowners filed their own motion on Saturday demanding the PSC hold oral arguments on TransCanada's request, saying the company sought to file a new application "because it realizes there was no mechanism to approve the Mainline Alternative Route as occurred." Both motions were posted online today.

TransCanada has not made a final decision on whether to build the pipeline and is continuing to study the implications of the PSC's decision. Project opponents say the company will need to secure new permits from the federal government if it decides to build along the new route.

WHAT'S NEXT: The landowners said Nebraska state law requires the PSC to schedule oral arguments on TransCanada's motion.

To view online [click here](#).

[Back](#)

Federal workers turn to encryption to thwart Trump [Back](#)

By Andrew Restuccia, Marianne LeVine and Nahal Toosi | 02/02/2017 05:07 AM EDT

Federal employees worried that President Donald Trump will gut their agencies are creating new email addresses, signing up for encrypted messaging apps and looking for other, protected ways to push back against the new administration's agenda.

Whether inside the Environmental Protection Agency, within the Foreign Service, on the edges of the Labor Department or beyond, employees are using new technology as well as more old-fashioned approaches — such as private face-to-face meetings — to organize letters, talk strategy, or contact media outlets and other groups to express their dissent.

The goal is to get their message across while not violating any rules covering workplace communications, which can be monitored by the government and could potentially get them fired.

At the EPA, a small group of career employees — numbering less than a dozen so far — are using an encrypted messaging app to discuss what to do if Trump's political appointees undermine their agency's mission to protect public health and the environment, flout the law, or delete valuable scientific data that the agency has been collecting for years, sources told POLITICO.

Fearing for their jobs, the employees began communicating incognito using the app Signal shortly after Trump's inauguration. Signal, like WhatsApp and other mobile phone software, encrypts all communications, making it more difficult for hackers to gain access to them.

One EPA employee even got a new, more secure cellphone, and another joked about getting a "burner phone."

"I have no idea where this is going to go. I think we're all just taking it one day at a time and respond in a way that seems appropriate and right," said one of the EPA employees involved in the clandestine effort, who, like others quoted in this story, was granted anonymity to talk about the sensitive discussions.

The employee added that the goal is to "create a network across the agency" of people who will raise red flags if Trump's appointees do anything unlawful.

The White House did not immediately respond to a request for comment.

While many workers across the federal government are still in wait-and-see mode, the first two weeks of the Trump administration — with its flurry of executive orders that have in some cases upended lives — have sent a sobering message to others who believe they must act now.

In recent days, career employees at the State Department gathered nearly 1,000 signatures for what's known as a "Dissent Channel" memo, in which they express their anger over a Trump executive order that bars immigrants from seven Muslim-majority countries and halts refugee admissions to the country. The number of signatures was extraordinarily high, even though the letter was submitted after White House spokesman Sean Spicer essentially warned the dissenting diplomats they were risking their jobs.

The executive order on immigration and refugees caused widespread panic at airports, spurring protests and outrage around the world.

It also led to what has been the most high-profile act of defiance yet from a Trump administration official: Acting Attorney General Sally Yates on Monday ordered the Department of Justice's lawyers not to defend the order in court. Yates was fired that same night.

Current and former employees of the Labor Department, meanwhile, are using their private email accounts to send around a link to a letter asking senators to oppose the nomination of Andrew Puzder for secretary of their agency. The employees may sign on to the letter using Google Docs. The letter will not be submitted to the Senate HELP Committee, and the signatures will not be made public, unless 200 current employees sign on.

A federal worker familiar with the letter's circulation said that it's being signed by hundreds of current and former DOL employees.

According to a [draft of the letter](#) obtained by POLITICO, the employees write that they have "serious concerns" about the fast-food magnate's willingness to protect the rights of workers given some of his past comments and actions.

The draft of the letter criticizes Puzder's comments about women, and cites his restaurants' advertisements, some of which feature women in bikinis eating burgers. Puzder has defended the ads.

"One of us once heard a colleague ask, quite seriously, whether it would violate workplace rules of civility and prohibitions against sexual harassment to view Mr. Puzder's ads on a government computer," the letter says. "We think the question is a good one."

The federal employees interviewed for this story stressed that they see themselves as nonpartisan stewards of the government. But several also said they believe they have a duty to speak out if they feel a policy is undermining their mission.

Drafts of the Dissent Channel memo signed by the State Department employees insist, for instance, that instead of protecting U.S. national security through his new executive order on refugees and immigrants, Trump is endangering the United States by bolstering the terrorists'

narrative that the West hates Muslims.

"I think we all have to look within ourselves and say 'Where is that line that I will not cross?'" one Foreign Service officer said.

Since Trump was elected in November, many State Department employees have also met quietly for other reasons. Groups of Muslims who work at Foggy Bottom, for instance, have held meetings to discuss fears that they could be subject to witch hunts and see their careers stall under the new administration. A few of Trump's top aides have spoken out against radical Islamism in such harsh terms that some Muslims believe the aides are opposed to the religion of Islam as a whole.

Steven Aftergood, who directs the Project on Government Secrecy at the Federation of American Scientists, indicated that it's too soon to say whether there's a broad trend of bureaucratic resistance to Trump taking hold.

"Quite a few federal employees seem to be looking for constructive ways to express discontent," he said. "Meanwhile, tension is still growing, not subsiding."

EPA employees are uniquely concerned about their future, having faced barbs from Trump advisers who have toyed with cutting the agency's staff by two-thirds and from other Republicans who want to eliminate the agency altogether. So career staffers are discussing the best way to alert the public to what's happening behind the scenes.

"I'm suddenly spending my days comparing the importance of the oath I took when I started my career service and the code that I have as an American," an EPA employee said.

EPA employees have started reaching out to former Obama administration political appointees, who they hope will help them spread the word about any possible improper conduct at the agency.

"It's probably much safer to have those folks act as the conduit and to act as the gathering point rather than somebody in the agency," the employee said. "You're putting your career and your livelihood and your paycheck at risk every time you talk to somebody."

Organizations such as the Government Accountability Project, which advocates for whistleblowers, have been busy as federal employees fret about what their new bosses may ask them to do.

"We've had a significant number of federal employees who have contacted us in recent weeks," said Louis Clark, the nonprofit's CEO. "It has to be the largest influx of people trying to reach us that we've seen."

The largest group of callers? "The people who want to know what to do if they're asked to violate the law," Clark said.

Jeff Ruch, executive director of Public Employees for Environmental Responsibility, said EPA employees are in perhaps the "deepest pit of despair" among his group's membership.

He said his group has been fielding calls on everything from what triggers a reduction in the federal workforce to how long they can carry health insurance benefits if they are pushed out.

Asked how EPA employees are feeling, Ruch said, "In the broadest sense, scared and depressed."

Rachael Bade contributed to this report.

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Supreme Court divided over patent review process [Back](#)

By Sarah Karlin-Smith | 11/27/2017 04:36 PM EDT

In a case with major implications for the tech and drug industries, Supreme Court justices appeared divided Monday along partisan lines on the constitutionality of the Patent and Trademark Office's system for handling patent challenges outside the courts.

Liberal justices during oral arguments appeared to favor keeping the agency's process, known as inter partes review, while conservative justices expressed concern with the process.

The case, *Oil States Energy Services v. Greene's Energy Group*, focuses on two rival oil companies. Oil States Energy Services argued that the IPR process is unconstitutional because patents are private property that can only be taken away through the court system.

The tech industry has a lot riding on the case. Tech companies say the the USPTO review process — created under the 2011 America Invents Act — is a crucial tool for weeding out bad patents that often fall into the hands of "patent trolls," which exist simply to extract licensing fees from businesses.

Generic drug companies and health insurers also say the system, which is widely viewed as a less expensive option than challenging patents in the courts, helps ensure that cheaper versions of medicines reach patients sooner.

But the brand drug industry says the reviews unconstitutionally allow their private property rights to be taken away without going through the legal process. Further, drugmakers say IPR creates uncertainty in the patent system, discouraging biotech companies from making investments in new products.

Some justices noted there is precedent for government agencies to adjudicate matters of private

property and to alter the terms of a grant of property.

"I thought it's the most common thing in the world that agencies decide all kinds of matters through adjudicatory-type procedures often involving private parties," Justice Stephen Breyer said.

Breyer and Justice Elena Kagan expressed concern that if the court finds IPR unconstitutional, then the work of a number of federal agencies handling disputes — including the FCC or the National Labor Relations Board — may also be considered unconstitutional.

While conservative justices suggested Congress and executive agencies have some ability to alter the terms of the patent process and patent rights, they raised concerns about how IPR functions.

Chief Justice John Roberts said the head of the PTO has too much power to decide who can sit on IPR panels and can even change panel assignments mid-review. And he appeared troubled by the fact that the IPR process could be used to take away patents that were granted before Congress created the review process.

Breyer questioned whether the PTO should be able to re-examine patents at any time, particularly those that have existed for years and resulted in billions of dollars of company investment.

Some justices who appeared to favor the IPR process pointed out that final decisions could be appealed to the U.S. Court of Appeals for the Federal Circuit.

"To me what saves this is, is even a patent invalidity finding can be appealed to a court," Justice Sonia Sotomayor said.

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Court denies EPA bid to relocate TSCA lawsuit [Back](#)

By Alex Guillén | 11/27/2017 03:24 PM EDT

The 9th Circuit Court of Appeals today [denied](#) EPA's request to transfer to another court a lawsuit over one of the agency's implementation rules under the reformed Toxic Substances Control Act.

Three lawsuits over the prioritization rule, which established how EPA will determine which chemicals to study first, [were consolidated](#) in September in the 9th Circuit. Meanwhile challenges to the evaluation rule, which governs how EPA will study each chemical, were moved to the 4th Circuit Court of Appeals.

The Trump administration and the environmental groups challenging those rules each tried to have both transferred to the same court. EPA asked for the prioritization rule suits to be moved to the 4th Circuit, while green groups asked for the evaluation rule to be moved to the 9th Circuit.

The 9th Circuit's denial means that the prioritization rule lawsuits will remain there. The order, which did not include an explanation, was issued by Judges Wallace Tashima, William Fletcher and Richard Tallman, all Clinton appointees. The judges ordered opening briefs be filed by Jan. 23.

WHAT'S NEXT: The 4th Circuit last week said it would wait to decide its path forward until the 9th Circuit had ruled. The 4th Circuit could choose to transfer its evaluation rule lawsuit to the 9th Circuit or instead to keep it.

To view online [click here](#).

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TransCanada asks Nebraska regulators to reconsider Keystone XL route decision [Back](#)

By Ben Lefebvre | 11/27/2017 04:24 PM EDT

TransCanada asked Nebraska regulators to reconsider their decision approving an alternate route through the state for the Keystone XL pipeline, according to a new filing.

The company's [motion to reconsider](#), filed Friday, is an effort to get the Nebraska Public Service Commission to "to address some questions that were raised by" its Nov. 20 [approval](#) of a new path for the pipeline that differed from TransCanada's preferred route, according to company spokesman Terry Cunha. "It is not an attempt by TransCanada to have the PSC alter its approval of the Alternative Mainline route," he said.

TransCanada asked the PSC to "consider Keystone's filing of an amended application in accordance with the findings of the Commission that the Mainline Alternative Route is in the public interest," according to the filing. Nebraska landowners filed [their own motion](#) on Saturday demanding the PSC hold oral arguments on TransCanada's request, saying the company sought to file a new application "because it realizes there was no mechanism to approve the Mainline Alternative Route as occurred." Both motions were posted online today.

TransCanada has not made a final decision on whether to build the pipeline and is continuing to study the implications of the PSC's decision. Project opponents say the company will need to secure new permits from the federal government if it decides to build along the new route.

WHAT'S NEXT: The landowners said Nebraska state law requires the PSC to schedule oral arguments on TransCanada's motion.

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Subject: Morning Energy, presented by Chevron: Energy dominance meets market realities — Multiple congressional probes of Whitefish contract — RFS concessions fuel GOP war of words

By Anthony Adragna | 10/27/2017 05:47 AM EDT

With help from Alex Guillén and Eric Wolff

MY HEART DRILL GO ON? Interior Secretary Ryan Zinke has made opening up more areas for oil and gas drilling a key part of delivering on President Donald Trump's pledge to unleash "energy dominance" but there may not actually be that many takers, Pro's Ben Lefebvre [reports](#). Interior plans to offer 10 million onshore acres in the National Petroleum Reserve in northern Alaska in December and 77 million offshore acres across the entire Gulf of Mexico in March, but the combination of low oil prices and ample private land available for fracking may keep some away. "It's almost like having a fire sale of all the acreage," said Ken Medlock, director of the Baker Institute's Center for Energy Studies at Rice University in Houston. "Wouldn't surprise me at all if there's a lot of acreage that doesn't sell."

Short-term cash infusion: The federal government is likely to make money from the bids themselves, but many companies are likely to sit on the acreage and wait for oil prices to rise before they start drilling. Both the Gulf and Alaska have high production costs given the remoteness of both locations, making new projects in those locations a tough sell to companies. The most likely outcome of the Gulf lease sale is that a modest number of companies may buy acreage next to drilling rigs already in operation. "They're still showing up [to the lease sales], just not buying a lot," Justin Devery, a principal energy researcher at IHS Markit, told Ben.

That irks advocates: When companies leave lands idling the public gets hit twice since the lands cannot be used and they aren't generating income for taxpayers, according to Nada Culver, senior counsel and director at The Wilderness Society's BLM Action Center. "We will lose the ability to use those lands, and at the same time we're not necessarily going to see a return."

Relatedly, the Senate Energy and Natural Resources will hold a Nov. 2 [hearing](#) on the potential for oil and gas exploration in ANWR as the committee seeks to meet reconciliation instructions from the budget to raise \$1 billion in revenue over the next decade.

AND FOR YOUR RADAR TODAY: Trump huddles with Zinke in the Oval Office today 11:30 a.m. No topic specified, though ME bets Zinke's recommendations on national monument designations will pop up.

TGIF EVERYONE! I'm your host Anthony Adragna, and QEP Resources' Shane Schulz was first to identify Hawaii, Idaho, New Hampshire, Rhode Island and Maine as the five states with two House seats. For today: Which four states have the most congressional seats? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#) and [@POLITICOPro](#).

LET THOSE WHITEFISH LETTERS FLY: Lawmakers penned three separate letters Thursday seeking information related to the \$300 million contract awarded to the tiny Whitefish Energy based in Zinke's hometown, Pro's Ben and your ME host [report](#).

—A bipartisan group of House Energy and Commerce lawmakers wants a briefing from Whitefish Energy. "In light of the questions that have been raised about your company's involvement in recovery efforts ... it is important to develop a clear understanding of the facts," they wrote in a [Thursday letter](#) to Whitefish Energy CEO Andrew Techmanski.

—House Natural Resources Chairman [Rob Bishop](#) and Oversight Subcommittee Chairman [Bruce Westerman](#) asked the Puerto Rico Electric Power Authority for all documents related to its decision to ink the Whitefish contract. They also asked more broadly for information on how PREPA enters into third-party contracts and what procedures it must follow if it departs from the normal process. [Link](#).

—Senate Energy ranking member [Maria Cantwell](#) and [Ron Wyden](#) asked GAO to investigate the contract in a [separate letter](#).

Bipartisan resiliency push for rebuilding: A powerful bloc of senators, including the top Republican and Democrat on the Senate Energy and Natural Resources Committee and the Finance Committee chairman, are pressing the Senate leadership for weather-resilient distributed energy to rebuild the power grids of Puerto Rico and the Virgin Islands, Pro's Emily Holden [reports](#). "Decentralized energy resources operating in microgrids are more likely to remain functioning during and after storms," says the [letter](#), spearheaded by Sen. [Al Franken](#) and signed by Sens. [Lisa Murkowski](#), [Orrin Hatch](#), [Rob Portman](#) and Cantwell.

Remember that Superfund drinking water story? Sens. [Tammy Duckworth](#) and [Elizabeth Warren](#) led five of their Democratic colleagues in questioning whether residents on the smaller Puerto Rican island of Vieques had adequate communication infrastructure to heed EPA warnings not to drink water from Superfund sites. "We are unable to guarantee residents there will heed EPA's guidance and avoid the potential adverse health effects associated with drinking contaminated water unless there is sufficient Federal Government presence on the island to provide access to clean drinking water," they wrote in a [letter](#). "We urge you to make monitoring and securing the Vieques site a priority for the duration of recovery."

Another CODEL leaves: A bipartisan group of lawmakers, helmed by House Majority Leader [Kevin McCarthy](#) and Minority Whip [Steny Hoyer](#), are visiting the U.S. Virgin Islands, Puerto Rico and the Florida Keys today and Saturday to examine ongoing recovery efforts from the string of recent hurricanes. Also traveling: Bishop, [Jeff Denham](#), [Norma Torres](#) and [Anthony Brown](#). Their visit comes as the Rhodium Group released [a report](#) Thursday concluding Hurricane Maria caused the "largest blackout in American history." Trump signed into law Thursday legislation [H.R. 2266 \(115\)](#) that provides \$36.5 billion to help FEMA with recovery efforts, relieve about half of the National Flood Insurance Program's debt and to keep Puerto Rico's government operational.

Hearing scheduled: The Energy and Commerce Energy Subcommittee announced it would hold

a hearing next Thursday to examine the state and federal responses to the storms, as well as ongoing recovery efforts.

Cornyn: Don't force disaster offsets: Count Senate Majority Whip John Cornyn as opposed to OMB Director Mick Mulvaney's plan to seek offsets for the next batch of disaster relief. "I'm as concerned about the deficits and debt as anybody, but this is emergency spending and we need to get help to the people who need the help," he told reporters.

INHOFE: GRASSLEY'S RFS POSTURING 'QUESTIONABLE': Sen. Jim Inhofe isn't a fan of fellow Republicans Chuck Grassley and Joni Ernst holding up EPA nominees last week to extract concessions on the Renewable Fuel Standard. "I think it's questionable in terms of being appropriate," he told ME. "I think [Grassley] used a lot of pressure there that was very effective, I'll say, but that I didn't agree with."

And Ernst bashes new hold: After a delay in the confirmation vote on EPA air nominee Bill Wehrum (who passed out of committee on Wednesday), Sens. Ted Cruz and Mike Lee retaliated by slapping a hold on Bill Northey's selection to become undersecretary for Farming Development and Conservation at USDA. But that move drew swift condemnation from Ernst. "That has nothing to do with Bill Northey, they need to get that right," Ernst told ME, referring to the USDA hold. "I don't see the connection. Bill Northey, he'll be in charge of conservation programs, it will have nothing to do with the RFS. So why are they blocking him because of the RFS? Just because Big Oil doesn't like it."

So is this officially a fight? Senior Republicans downplayed the likelihood their conference would continue to hold up Trump nominees over biofuels. "This happens every day, just happens to be the topic du jour, but we'll work it out," Cornyn told reporters. And EPW Chairman John Barrasso suggested the move might have just been the senators doing what's in the best interest of their states: "Every senator gets to speak for themselves and do whatever they need to do," he told ME.

**** A message from Chevron:** When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat—buckwheat. Watch the video: <http://politi.co/2gyQXsp> **

DUCKWORTH: JUST WAIT! She's been urging her GOP colleagues to let EPA's final biofuels volumes come out on Nov. 30 before considering Wehrum's nomination on the Senate floor, because Duckworth questions the legality of the reassurances Pruitt sent to corn-state senators last week. "I don't know that it doesn't open the administration to lawsuits from the very same oil interests Mr. Wehrum used to represent," she told ME. "I've been pressuring them to not accept just the word of Mr. Pruitt ... It's simple — just wait, let the rulemaking be done. Just wait!"

MAIL CALL! GOTTA SHOW YOUR WORK! A group of 19 members of the Senate Democratic caucus requested all the documents related to EPA's cost-benefit analysis that they argue relied on "mathematical sleights of hand to over-state the costs of industry compliance" but formed an important part of the proposed repeal of the Clean Power Plan. "Denying the science

and fabricating the math may satisfy the agency's paperwork requirements, but doing so will not satisfy the requirements of the law," the letter, led by EPW ranking member Tom Carper, said.

Senators: This won't be popular: Eleven Democratic senators are wagging their fingers at Zinke's decision to dramatically increase entrance fees to many of the country's most popular national parks, such as Grand Canyon, Yellowstone and Yosemite. "We believe that it is especially problematic for your Department to propose fee increases at the same time that the Trump Administration is recommending slashing National Park Service funding levels and holding virtual fire-sales on our public resources at below market value," the letter, led by Cantwell, said. The timing of the increase is especially curious as Zinke proudly boasted of record numbers of visitors just a few months ago.

Wildfire funding must come next: A bipartisan group of eight senators asked Trump in a letter to prioritize federal funding for wildfires in the next round of disaster relief funding. "We urge you to make it a priority that all Americans who need emergency assistance get what they need, whether affected by a hurricane, wildfire, or other disaster," the letter, led by Sen. Kamala Harris, wrote.

LAWSUIT ROUNDUP! 'SUE AND SETTLE' ORDER GETS FIRST TEST: The state of North Dakota says EPA Administrator Scott Pruitt's recent "sue and settle" directive bolsters its own argument to nullify a court order requiring the agency to review oil and gas wastewater rules. Environmental groups complained that EPA had not updated its oil and gas wastewater disposal rules since 1988, despite major changes related to the fracking boom and a statutory requirement that EPA reconsider the rules every three years. In December, they struck a deal that requires EPA to decide whether or not to update those rules by March 2019.

North Dakota says Pruitt's order backs up their request that the D.C. Circuit overturn the consent decree. Pruitt's "sue and settle" order "aligns with North Dakota's argument that the settlement in this case imposed obligations on U.S. EPA that go beyond" the law's requirements, the state wrote in a short letter to the court on Thursday. Environmental groups have pointed out that, in the event EPA does decide to take action, the agency will go through the normal notice-and-comment rulemaking process. Oral arguments are slated for Nov. 7.

Not waiting any longer: Environmental Defense Fund sued EPA Thursday over a series of unfilled FOIA requests concerning Pruitt's ethics conflicts, schedule and plans for agency science, Pro's Emily Holden reports. The agency has faced a flood of public records requests during the Trump era with the Office of Public Affairs warning some may take more than a year — well over statutory limits — to fulfill.

Not a pleasant diversion? A handful of green groups filed a lawsuit in federal district court challenging federal approval of a project that would divert water from the Colorado River to customers in the Front Range area of Colorado, Pro's Esther Whieldon reports. The Windy Gap Firing Project would divert tens of thousands of acre feet of water from the Colorado River each year to help fill a new reservoir on the Front Range area of Colorado.

ANALYSES OF PERRY GRID PROPOSAL RELEASED: Implementing Energy Secretary

Rick Perry's grid resiliency proposal could cost consumers up to \$10.6 billion per year, according to [new research](#) from the Energy Innovation and the Climate Policy Initiative. Ninety percent of the benefits to the nuclear sector would go to just five companies — Exelon, Entergy, PSEG, NextEra and FirstEnergy — while 80 percent of the benefits to the coal industry would also go to just five companies — NRG, Dynegy, FirstEnergy, American Electric Power and Talen Energy. Former FERC Commissioner Colette Honorable co-authored initial perspectives on the grid proposal comments for Reed Smith [here](#).

THEY'RE GOING TO MIAMI: A large group of Transportation Committee members — Chairman [Bill Shuster](#), [Garret Graves](#), [Grace Napolitano](#), [Brian J. Mast](#), [Daniel Webster](#), [Frederica Wilson](#), [Lois Frankel](#), [Mario Diaz-Balart](#), [Carlos Curbelo](#) and [Eddie Bernice Johnson](#) — gather this morning at 9:30 a.m. at Port Miami to discuss concepts for the next Water Resources Development Act. Webcast [here](#).

STANDING STRONG: There may be a new political dynamic in Germany, but all the parties involved in talks to form a government agreed Thursday to uphold previously set climate goals for 2020, 2030 and 2050, POLITICO Europe's Emily Schultheis and Cynthia Kroet [report](#). The parties — the center-right CDU/CSU alliance, the liberal Free Democratic Party (FDP) and the Greens — did not, however, discuss all the specific means by which these goals would be reached.

MOVER, SHAKER: Mary Martin is the new chief counsel for both the House Energy and Commerce Energy and Environment subcommittees. She's previously been deputy chief counsel for both subpanels and before that was policy counsel and committee executive to the environment, technology & regulatory affairs division at the U.S. Chamber of Commerce.

QUICK HITS

- EPA: Michigan Should Boost Water Safety in Flint, Statewide. [AP](#).
- Trump pledges to speed up Lake Okeechobee dike repairs. [Palm Beach Post](#).
- Four Quitters Walk Into a Bar... [Huffington Post](#).
- Latest U.S. State to Offer Nukes a Lifeline Is Connecticut. [Bloomberg](#).
- Trump's devotion to coal mining puts Utah dinosaur discoveries in danger, scientists say. [Los Angeles Times](#).
- Trump pick for top environmental post once wrote Texas would be 'better off' as an independent republic. [CNN](#).
- Top Venezuela oil executive Chacin arrested in graft probe -sources. [Reuters](#).

HAPPENING TODAY

9:30 a.m. — World Resources Institute hosts press call on what to expect from COP23 held in Bonn, Germany, RSVP: rgerholdt@wri.org

11:30 a.m. — The Puerto Rico Institute for Competitiveness and Sustainable Economy will hold a discussion on "Puerto Rico: How Best to Get and Keep the Lights Back on." 2043 Rayburn

THAT'S ALL FOR ME!

**** A message from Chevron:** This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat—buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: <http://politi.co/2gyQXsp> **

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/10/energy-dominance-meets-market-realities-025254>

Stories from POLITICO Pro

Interior's 'fire sale' for oil leases may come up short [Back](#)

By Ben Lefebvre | 10/27/2017 05:01 AM EDT

The Interior Department's latest attempt to jump-start President Donald Trump's pledge to unleash American "energy dominance" might run into cold market reality.

Interior plans to offer up for lease every available tract in the Gulf of Mexico as well as every open acre in Alaska's National Petroleum Reserve-Alaska in a bid to spur more oil and gas development. But with oil still hovering at \$50 a barrel, and private land available in West Texas and North Dakota for fracking, Interior's plan to flood the market may find relatively few takers, experts said.

"It's almost like having a fire sale of all the acreage," said Ken Medlock, director of the Baker Institute's Center for Energy Studies at Rice University. "Wouldn't surprise me at all if there's a lot of acreage that doesn't sell."

Interior Secretary Ryan Zinke has said making the federal land available would prime the pump for more oil and gas production. The department plans to offer 10 million onshore acres in the NPR in northern Alaska in December and 77 million offshore acres across the entire Gulf of Mexico in March. And Interior will start offering leases for the entire Gulf of Mexico twice a year, a change from the previous practice of annual lease sales offering only specific portions of the Gulf at any given time.

"In today's low-price energy environment, providing the offshore industry access to the maximum amount of opportunities possible is part of our strategy to spur local and regional economic dynamism and job creation and a pillar of President Trump's plan to make the United

States energy dominant," Zinke said in the offshore lease announcement.

While the lease sales are likely to generate some money for the federal government, analysts said the agency might be limited to a short-term cash infusion from the bids themselves, rather than generating much in royalties on production, since many companies would likely sit on the acreage and wait for oil prices to rise before drilling.

"Bidding on those leases generates revenue in [the first year] for the U.S. taxpayer, which has a benefit all its own," said Kevin Book, managing director for research at ClearView Energy Partners LLC. "As a result, offering as much as possible for lease may have the effect of maximizing bid bonuses, particularly if the leases come with favorable terms."

Interior's lease sales likely won't spur much oil and gas development in the Gulf or Alaska, however. The remoteness of both areas means production costs are high, making new projects in those locations a tough sell to companies that are grappling with low oil prices and are focused on increasing production in the lower 48 states.

U.S. oil production averaged 8.8 million barrels a day last year, up from 5.6 million barrels in 2011, according to Energy Information Administration data. Nearly 1 million barrels per day of U.S. crude are being exported this year.

Deep-water offshore projects cost billions of dollars and can take a decade to develop, and many companies have slashed spending in those areas, according to a recent report from market consulting agency IHS Markit.

The most likely outcome of the Gulf lease sale will be a modest number of companies picking up acreage adjacent to drilling rigs they already have operating, analysts said. That means that the March offshore lease sale may see a repeat of the result from the big offshore sale Interior held in August, said Justin Devery, a principal energy researcher at IHS Markit.

Interior had touted that last offshore lease sale as the biggest ever held by the department, with leases for 76 million acres up for sale. But the revenues for the government still fell relatively short, with Interior garnering \$121 million from bids on 508,096 acres.

"The last [sale] was big and wide and there were only about 100 bids, so it wasn't an overwhelming response, that's for sure," Devery said. "The guys out there, they're adding inventories, adding to plays they already have, but there's no wildcatting going on. They're still showing up [to the lease sales], just not buying a lot."

In Alaska, there may be even less interest. BLM offered 1.5 million acres in the NPR-A in December 2016, and oil companies bid on only 613,528 acres.

ConocoPhillips, which announced in January a promising discovery in the area, accounted for nearly half of the 92 overall bids in that sale, with only three other, smaller companies participating. ConocoPhillips declined to say whether it was interested in properties in the upcoming NPR-A lease sale.

Oil companies already hold leases for just over 1 million acres of federal lands in Alaska, according to [government data](#). Of that, only 16,822 acres are in production.

The remainder of those are acres the public cannot use and are not generating income for taxpayers, noted Nada Culver, senior counsel and director of the Wilderness Society's BLM Action Center.

"We will lose the ability to use those lands, and at the same time we're not necessarily going to see a return," Culver said. "So the American taxpayer is getting ripped off twice — you can't use these lands, and you're not getting a return on them letting these companies lock them up."

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Committees seek info on Whitefish Energy contract for Puerto Rico [Back](#)

By Ben Lefebvre and Anthony Adragna | 10/26/2017 04:02 PM EDT

Several lawmakers today stepped up their efforts to get more information about how a small Montana company was selected to help rebuild Puerto Rico's electric grid.

The House Energy and Commerce Committee is asking for a briefing from Whitefish Energy. Republicans on the House Natural Resources Committee are seeking answers from the Puerto Rico Electric Power Authority, the utility that selected the Whitefish, Mt.,-based firm. And the ranking Democrats from the Senate Energy and Natural Resources and Finance committees requested an investigation from the Government Accountability Office.

"In light of the questions that have been raised about your company's involvement in recovery efforts ... it is important to develop a clear understanding of the facts," a bipartisan group of Energy and Commerce Committee leaders wrote today in a [letter](#) to Whitefish Energy CEO Andrew Techmanski.

Separately, House Natural Resources Chairman [Rob Bishop](#) and Oversight Subcommittee Chairman [Bruce Westerman](#) sent a [letter](#) to PREPA seeking all documents related to its decision to ink the Whitefish contract and for an explanation of how it enters into third-party contracts.

Senate Energy ranking member [Maria Cantwell](#) and Sen. [Ron Wyden](#), the top Finance Democrat, asked GAO to investigate the contract in their own [letter](#).

Whitefish Energy's contract with the Puerto Rico Electric Power Authority has raised questions about whether the small, young company is equipped to do the work. The company is based in the hometown of Interior Secretary Ryan Zinke, but officials with the company and department have said that had nothing to do with it winning the contract.

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Murkowski, Cantwell press for distributed power in Puerto Rico, Virgin Islands [Back](#)

By Emily Holden | 10/26/2017 05:42 PM EDT

The top Republican and Democrat on the Senate Energy and Natural Resources Committee are calling on the Senate leadership to press for weather-resilient distributed energy to rebuild the power grids in hurricane-ravaged Puerto Rico and the U.S. Virgin Islands.

Committee chairman [Lisa Murkowski](#) and ranking member [Maria Cantwell](#), today signed on to a letter spearheaded by Sen. [Al Franken](#) (D-Minn.). Sen. [Orrin Hatch](#) (R-Utah) and [Rob Portman](#) (R-Ohio) joined them.

The senators said Hurricanes Irma and Maria exposed the vulnerability of the power grids on the islands, and some communities face months without electricity. Congress has already approved about \$52 billion in aid for recent hurricanes and is expected to sign off on more spending.

"Decentralized energy resources operating in microgrids are more likely to remain functioning during and after storms," the letter said, noting that the declining costs of solar, wind, energy efficiency and battery storage in many instances makes them more affordable than existing power sources. The islands rely mostly on power plants fueled by oil, natural gas and coal.

In a speech over the weekend at the Alaska Federation of Natives convention, Murkowski broke with the party line to emphasize that "climate change is real" and she backed adding more alternative energy across the state, where rural communities often rely on diesel generators.

"Our world is changing," she said, according to [Alaska Public Media](#). "And we all know that climate change is at the heart of this change."

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White House seeks offsets for third disaster package [Back](#)

By Sarah Ferris | 10/25/2017 11:52 AM EDT

The White House plans to ask Congress for "tens of billions" of dollars in additional disaster relief funding next month and urge lawmakers to at least partially offset that spending.

OMB Director Mick Mulvaney told Senate Majority Leader [Mitch McConnell](#) in a [letter](#) Tuesday that the Trump administration will formally request the money "in mid-November," marking the third emergency aid package in three months.

Mulvaney also delivered his strongest plea yet for GOP leaders to offset the funding, rather than considering it "emergency" dollars that don't count toward Congress' spending limits, as first reported in [POLITICO Playbook](#).

"As we move toward the longer-term issue of rebuilding the impacted areas of our Nation, we believe it would be appropriate that the Congress consider reducing spending elsewhere," Mulvaney wrote in the letter.

The comments — consistent with Mulvaney's stance when he served in Congress — will likely complicate passage of the next cash infusion for FEMA.

Congress has now approved more than \$52 billion in emergency disaster aid this year, [clearing](#) the latest \$36.5 billion package ([H.R. 2266 \(115\)](#)) Tuesday.

The budget director said he will craft the next spending request with direct help from affected lawmakers — an apparent attempt to appease Texas and Florida members who say they were ignored in the White House's last request.

Those frustrations have become an issue for the administration. Sen. [John Cornyn](#) has said he plans to block the confirmation of Mulvaney's deputy director, Russ Vought, until the Texas Republican is assured that his home state will receive adequate aid in the next package.

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Pruitt issues EPA directive to curb 'sue and settle' [Back](#)

By Alex Guillén | 10/16/2017 12:34 PM EDT

EPA Administrator Scott Pruitt today signed a [directive](#) and accompanying [memo](#) meant to curtail what he has criticized as EPA's "sue and settle" practice.

The new directive calls for more agency outreach to industry groups and will require EPA to post various documents related to such lawsuits online.

Pruitt and other Republicans have long been critical of EPA for settling suits with environmental groups over missed statutory deadlines. Green groups and Democrats note the consent decrees generally only lock in a timeline for the agency to act, not the underlying regulatory details.

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EDF sues EPA over delays in releasing public records [Back](#)

By Emily Holden | 10/26/2017 04:41 PM EDT

The Environmental Defense Fund said today it is suing EPA for failing to release public records about Administrator Scott Pruitt's potential ethics conflicts, schedule or plans for agency science that the group has sought under the Freedom of Information Act.

According to the [lawsuit](#) filed with the D.C. Circuit of the U.S. Court of Appeals, one of EDF's requests dates back to January, and the others are from March and June. A statutory deadline gives EPA 20 days to make a determination on whether to release information unless there are certain "unusual circumstances." EDF says EPA has not demonstrated those circumstances or sought an extension.

The agency has said it is receiving high volumes of public records requests. The Office of Public Affairs, for example, recently said it received 154 requests in fiscal 2017, compared to 14 in fiscal 2016. OPA has said some requests will take more than a year to fulfill.

An EPA spokesperson said the agency does not comment on pending litigation.

EDF is seeking information about an ethics agreement Pruitt signed while his nomination was pending, including why he determined he could work on a rule to withdraw the Clean Power Plan even though he brought lawsuits against it as attorney general of Oklahoma.

The group is seeking Pruitt's daily schedules, too. EDF argues that releases so far have included many redactions and that a recently published public calendar is brief and vague.

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Green groups sue over federal approval of Colorado River diversion project [Back](#)

By Esther Whieldon | 10/26/2017 04:28 PM EDT

A handful of environmental groups today filed a lawsuit challenging the federal government's approval of a project that would divert water from the Colorado River to customers in the Front Range area of Colorado.

The [lawsuit](#) filed with the U.S. District Court for the District of Colorado challenges the Bureau of Reclamation's decision in 2014 and the Army Corps of Engineers' action in May approving

the Windy Gap Firming Project. That project, proposed by the Northern Colorado Water Conservancy District, would divert tens of thousands of acre feet of water from the Colorado River each year to help fill a new reservoir on the Front Range area of Colorado.

The decision comes as lower basin states are working on a plan to voluntarily reduce their usage beyond mandatory levels to address problems caused by the river's shrinking supplies.

The green groups contend the agencies failed to consider alternatives to the project and ignored flaws and gaps in the data and in Reclamation's review.

"This case boils down to inadequate analysis and poor decisionmaking resulting in significant water diversions from the already depleted Colorado River," said the lawsuit filed by the Save the Colorado, Save the Poudre: Poudre Waterkeeper, WildEarth Guardians, Living Rivers and Waterkeeper Alliance.

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Sent: Fri 10/6/2017 9:44:12 AM
Subject: Morning Energy, presented by Chevron: Changing the math on the Clean Power Plan — Perry's eagerly anticipated hearing next week — DOE, PHMSA picks confirmed

By Anthony Adragna | 10/06/2017 05:42 AM EDT

With help from Eric Wolff and Darius Dixon

Morning Energy will not publish on Monday, Oct. 9. Our next Morning Energy newsletter will publish on Tuesday, Oct. 10. Please continue to follow Pro Energy issues [here](#).

CHANGING THE MATH ON CLIMATE CHANGE: In a move that will set the tone for the Trump administration's legal and political battles over climate regulation, EPA plans to consider fundamentally altering the benefits it associates with the Clean Power Plan in an upcoming proposal to rescind the Obama-era emissions reduction rule, Pro's Emily Holden [reports](#), citing multiple sources familiar with recent drafts. Taken together, the changes will eliminate tens of billions of dollars in the Clean Power Plan's benefits that could be used to bolster EPA Administrator Scott Pruitt's legal argument for pulling back the regulation.

Among the changes, President Donald Trump's EPA will dramatically alter its use of the social cost of carbon by no longer considering any social or economic benefits the rule creates outside the United States and counting far fewer of the health benefits that might have come from reducing air pollutants. Obama's regulators accounted for the fact that levels of sulfur dioxide, nitrogen dioxide and particulate matter would decline along with the greenhouse gases, but the Trump proposal won't count any of those additional reductions if pollutant levels were already at levels deemed safe by the agency in other regulations.

Proponents of the Obama regulation argue Pruitt's EPA is relying on fuzzy math and ignoring the fact utilities are transitioning to cleaner energy sources faster than anticipated. Janet McCabe, who led EPA's air office under Obama, said Trump's team seems to be ignoring the fact that many states are already on track to hit the rule's targets ahead of schedule. "Every other story is about how costs are coming down, about how emissions are reducing, about how power companies are making choices to close their coal plants or run them less because they're so expensive," she said. And David Doniger, climate director for the Natural Resources Defense Council, said "the courts are going to look very, very hard at this kind of cooking of the books."

EPA spokeswoman Liz Bowman's response: "While it appears you are writing a piece based on rumors about CPP, the facts are that the Obama administration's estimates and analysis of costs and benefits was, in multiple areas, highly uncertain and/or controversial."

TGIF ONE AND ALL! I'm your host Anthony Adragna, and Craig Meyers was first up to identify Reps. [Debbie Dingell](#) and [Doris Matsui](#) as the two current lawmakers who replaced their spouses in their congressional seats. For today: Who is the first participant in the U.S. Senate Youth Program to be elected to the body? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#), and

@POLITICOPro.

GET YOUR POPCORN READY! Energy Secretary Rick Perry should expect a bevy of tough questions in his first appearance before the House Energy and Commerce Subcommittee on Energy next Thursday. Chief among them will be his effort to quickly push through new FERC rules benefitting coal and nuclear plants that has united the oil, gas, wind and solar industries — along with consumer groups — against him. Look for Democrats to push Perry on his use of non-commercial aircraft as secretary, in light of reports he chartered a private plane one day before HHS Secretary Tom Price resigned. More information on the Oct. 12 hearing here.

He may not enjoy a home field advantage: Fellow Texans are usually quite chummy with their former governor but the FERC grid proposal might have them peppering Perry with non-softballs. Rep. Pete Olson said Perry had grabbed "the tiger by the tail" and predicted it would be a "big" area of discussion from both parties. "I'm concerned because it appears to be picking winners and losers," he told reporters. "Every time we do that, it hurts the consumer."

But first: Perry is scheduled to speak this morning at a Veterans in Energy forum in Arlington, Va. this morning.

DOE, PHMSA PICKS CONFIRMED: Before heading out on a 10-day recess, the Senate confirmed by voice vote Howard "Skip" Elliott to run the Pipeline and Hazardous Materials Safety Administration and Bruce Walker to lead DOE's electricity delivery and energy reliability office. Lawmakers also cleared Timothy Gallaudet's nomination as No. 2 at NOAA by voice vote and passed a resolution declaring Thursday "Energy Efficiency Day."

Not in the cards: Confirmation of FERC chairman nominee Kevin McIntyre and Democratic commissioner pick Rich Glick. Senate Energy and Natural Resources Chairman Lisa Murkowski asked unanimous consent to approve the selections, but an unidentified senator objected. Murkowski, who has been pushing to get FERC to full complement this week, said on the floor she was "disappointed" after the objection.

HELP THAT MESS IN TEXAS: Gov. Greg Abbott, Sens. John Cornyn and Ted Cruz and all but three of Texas' House members requested \$18.7 billion in disaster funding be included in the next Appropriations package as the state continues its recovery from Hurricane Harvey. "We all recognize that the funding already appropriated is a small fraction of the federal resources needed to help rebuild Texas," they wrote.

Not so fast? House Majority Leader Kevin McCarthy indicated Thursday his chamber would take up the White House's \$29 billion disaster aid request next week but Republican Study Chairman Mark Walker said his influential bloc might oppose the package without corresponding spending cuts, Pro's Budget & Appropriations Brief's Sarah Ferris reports.

Seems unnecessary: The Trump administration removed information about the status of drinking water and electricity access on Puerto Rico from FEMA's site, The Washington Post reports. Government figures show 9.2 percent of the island now has electricity and 54.2 percent of people have potable drinking water. Meanwhile, Flint Mayor Karen Weaver released a letter

of support Thursday to San Juan Mayor Carmen Yulin Cruz sent earlier in the week.

Over in Florida, lawmakers are looking at potential ways to alleviate fuel shortages in the aftermath of hurricanes, but POLITICO Florida's Bruce Ritchie reports solutions may be elusive. That isn't stopping Democratic Sen. Bill Nelson, who filed legislation Thursday requiring DOE to create a gas supply reserve that would hold at least 1 million barrels of oil in two separate locations, Bruce and Sergio Bustos report.

Veep alert! Vice President Mike Pence is visiting the U.S. Virgin Islands and Puerto Rico today for an update on Hurricane Maria recovery efforts.

BETTER LATE THAN NEVER? As POLITICO reported was likely way back in March, the White House formally selected Faegre Baker Daniels attorney Andrew Wheeler to serve as No. 2 at EPA, Pro's Alex Guillén reports. Wheeler, a former staffer to Sen. Jim Inhofe and the EPW Committee, was formerly a registered lobbyist for coal producer Murray Energy but deregistered in an Aug. 11 filing. Hopefully, he'll keep participating in ME's trivia!

REPORT: ENERGY-RELATED CO2 EMISSIONS DOWN: Energy-related emissions of carbon dioxide fell 1.7 percent in 2016 — that's 89 million metric tons, according to an Energy Information Administration report out Thursday. Emissions have declined in six of the past 10 years and energy-related ones are down 14 percent from 2005 levels. Transportation-related carbon emissions rose in 2016, though emissions from the industrial, commercial and sectors were all down. Natural gas emissions surpassed those from coal in 2016, though the report notes "natural gas produces more energy for the same amount of emissions as coal."

**** A message from Chevron:** We're piloting a program that uses drones to keep an eye on Chevron wells, tanks, and pipelines—all to keep DOERS and what they're doin' safer. Watch the video: <http://politi.co/2xO60oe> **

LAWSUIT THREATENED OVER MISSED OZONE DEADLINE: A group of 14 state attorneys general threatened to sue EPA for missing an Oct. 1 deadline to decide which parts of the U.S. do or do not meet the 2015 ozone standard. They join a coalition of environmental groups, which vowed to sue Pruitt earlier this week.

TAX OVERHAUL: BIOFUELS PRODUCERS LIKE THE PASSTHROUGH TAX BREAKS: Like everyone, ethanol producers await the details of Republican tax overhaul plans, but they see at least one feature they like: the tax cut on passthrough businesses. The principles in the "Big Six" tax overhaul call for a reduction in the tax rate from 36.9 percent to 25 percent on taxes paid by businesses run by sole proprietors, partnerships, and "S Corps", commonly called "passthrough" businesses. "That's how our plants are mostly organized, we see this as potential positive for our members," said John Fuhrer, senior director for government affairs for Growth Energy, an ethanol producers group.

FERC EYES NEW ENFORCEMENT CHIEF: Two sources with knowledge of the plans tell Pro's Darius Dixon and Esther Whieldon that Skadden attorney John Shepherd Jr. is expected to become FERC's next enforcement chief. According to Shepherd's bio, his practice focuses on

market design, market power and market manipulation issues in the energy and natural gas markets. The timing of the announcement is not certain.

GRIFFITH STEPPING INTO MURPHY'S E&C SLOT: With embattled Rep. Tim Murphy opting Thursday to resign from Congress later this month, an Energy and Commerce aide tells ME Virginia Rep. Morgan Griffith is expected to become chairman of the panel's Oversight and Investigations Subcommittee.

ASSUME E15 BILL DEAD (FOR NOW): Both Senate EPW Chairman John Barrasso and bill sponsor Deb Fischer now say a measure S. 517 (115) that would allow year-round sales of higher blends of ethanol won't even get a committee vote this year, Pro's Eric Wolff reports. Even with five committee members as co-sponsors, there wasn't sufficient support among panel members and a flurry of amendments threatened to go after bedrock environmental laws. "I think what happened [was] it looked like we were really going to do this. So we loaded the box up with every Clean Air Act amendment we could think of," a refining industry source who opposed the bill told Eric.

MAIL CALL! GOP URGES DOI LEAK PROBE! House Natural Resources Chairman Rob Bishop and Oversight Subcommittee Chairman Bruce Westerman sent a letter Thursday requesting a briefing and copies of written policies concerning unauthorized leaks at Interior. They point to four leaks over the past several months with documents not yet finalized. "Improper disclosure of internal agency information, however, both classified and nonclassified, is an unacceptable practice," they wrote. "It is vital that those responsible for unauthorized releases are held accountable."

TWO THUMBS UP! Sen. Bill Cassidy, Barrasso and Murkowski wrote a letter Thursday to Perry to voice support for a proposed rule that would speed approvals of small-scale liquefied natural gas exports. DOE formally proposed the regulation on Sept. 1 and the comment period ends Oct. 16.

ANOTHER PRUITT PROBE PURSUED: Three senior House Energy and Commerce Democrats — Frank Pallone, Paul Tonko and Diana DeGette — asked EPA's inspector general in a Thursday letter to investigate Pruitt's installation of a \$25,000 "privacy cube" in his office. "[Americans] have a right to know if Administrator Pruitt is wasting taxpayer money on duplicative and unnecessary purchases for his office," they wrote.

HEARING ON FEDERAL STAFFING SOUGHT: All House Oversight Democrats asked for a hearing to be scheduled on Trump administration efforts to downsize the federal workforce. Read it here.

KELLOGG VP SEEKING UPTON'S SEAT: Democrat George Franklin, a vice president at Kellogg announced Thursday he'll seek Energy and Commerce Energy Subcommittee Chairman Fred Upton's congressional seat, WWMT reports. It remains unclear, of course, whether the incumbent Upton will seek reelection to the House, run for Senate or retire.

RECORDS SOUGHT FOR PERRY'S TRUMP HOTEL SPEECH: Citizens for

Responsibility and Ethics in Washington filed a FOIA request seeking all records and requests for reimbursement stemming from Perry's speech to the National Mining Association at the Trump Hotel earlier this week. Copy [here](#).

MUSK'S BIG IDEA: Elon Musk is open to helping rebuild Puerto Rico's electric grid. "The Tesla team has done this for many smaller islands around the world, but there is no scalability limit, so it can be done for Puerto Rico too. Such a decision would be in the hands of the PR govt, PUC, any commercial stakeholders and, most importantly, the people of PR," he [tweeted](#) Thursday. Gov. Ricardo Rossello [responded](#) on Twitter "let's talk" and said Puerto Rico could be Musk's "flagship project"

ANTI-PIPELINE AD LAUNCHED IN VIRGINIA: The Southern Environmental Law Center launched a \$200,000, three-week television [ad campaign](#) in Virginia opposing the Atlantic Coast Pipeline being pushed by Dominion Energy.

HUNDREDS SEEK WILDFIRE FIX: More than 200 groups [asked](#) congressional leadership to enact "a comprehensive solution to the wildfire suppression funding issue that addresses the borrowing issue and the erosion of budgets due to increasing wildfire suppression costs." They voiced support for bipartisan House [H.R. 2862 \(115\)](#) and Senate [S. 1842 \(115\)](#) bills.

QUICK HITS

- Jerry Brown's California Dream: The Rolling Stone Interview. [Rolling Stone](#).
- US oil exports will keep booming after hitting record 2 million barrels a day, analysts say. [CNBC](#).
- U.S. Gulf oil producers curtail output ahead of Tropical Storm Nate. [Reuters](#).
- Interior Department rejects 25 endangered species petitions, including several linked to climate change. [Washington Post](#).
- EPA's Scott Pruitt prefers meeting with Republicans, just not on Mondays. [CNN](#).
- Worker dies at Kentucky coal-fired power plant. [AP](#).

HAPPENING TODAY

9:00 a.m. — 2017 Veterans In Energy [Forum](#), NRECA, 4301 Wilson Blvd. Arlington, VA 22203

11:00 a.m. — Sen. Angus King holds a Senate Energy Committee field hearing in Searsmont, Maine on how combined heat and power and microgrid technology approaches can reduce industrial energy costs, watch [here](#)

THAT'S ALL FOR ME!

**** A message from Chevron:** This is a story about energy, safety, and some truly high-flyin' doin'. We're piloting a program that uses drones, HD imaging, and thermal mapping to help keep a close eye on Chevron wells, tanks, and pipelines—all to keep DOERS and what they're doin' safer. Watch the video: <http://politi.co/2xO60oe> **

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/10/changing-the-math-on-the-clean-power-plan-024942>

Stories from POLITICO Pro

EPA's climate rule withdrawal will include big changes to cost calculations [Back](#)

By Emily Holden | 10/05/2017 08:47 PM EDT

The Trump administration will consider fundamentally limiting the way the federal government counts benefits from curbing climate change and air pollution in an upcoming proposal to rescind former President Barack Obama's signature climate regulation, according to multiple sources familiar with recent drafts.

In nixing the Clean Power Plan, EPA will suggest changing the benefits it counts, which would bolster its arguments that the rule's economic burdens would outweigh its gains from cleaner air, reduced illnesses and greater energy efficiency.

President Donald Trump has long vowed to erase Obama's restrictions on coal plants, and then announced he was pulling out of the Paris climate accord, so it's no surprise he plans to eliminate the rule. But the fine print will have big implications for the inevitable yearslong legal fights to come. It could anger environmental advocates while satisfying some industries and conservative states.

"It may seem like inside baseball, but this is going to set the tone," said John Larsen, a director at the analysis firm Rhodium Group. "We haven't seen the details of any sort of regulatory plan from this administration yet on climate."

EPA could release its withdrawal proposal in the coming days, while leaving the door open to eventually replace the rule with one that would pose minimal costs but provide few climate benefits, as POLITICO [reported](#) last month.

Among other changes, Trump's EPA will drastically alter how it uses the social cost of carbon, a metric for assigning a monetary value to curbing emissions. The agency will decline to consider any social or economic benefits the rule creates outside the United States — unlike the Obama administration, which included worldwide impacts in its calculations.

And it will count far fewer of the health benefits that might have come from reducing air pollutants that cause premature deaths, heart attacks and asthma hospitalizations.

Taken together, the sources say, the recalculations eliminate tens of billions of dollars of the rule's benefits, which Obama's EPA had contended would outweigh the costs of enforcing a faster shift away from coal-fired power. The new numbers could be meant to aid EPA Administrator Scott Pruitt's legal case for scrapping the rule.

The rule's supporters are already accusing Trump and Pruitt of promoting fake math. They say the administration is ignoring the reality that power companies are making the transition to green energy even faster than Obama anticipated.

"Like so many things, they seem to be completely ignoring what's happening in the real world," Janet McCabe, who led EPA's air office under Obama, said of Trump's team. "Every other story is about how costs are coming down, about how emissions are reducing, about how power companies are making choices to close their coal plants or run them less because they're so expensive."

David Doniger, climate director for the Natural Resources Defense Council, said that "the courts are going to look very, very hard at this kind of cooking of the books."

"There are two kinds of ways to get the law wrong, to play fast and loose with science and facts or with the economics, and you can lose for either or both reasons," he said.

But EPA spokeswoman Liz Bowman said that if anyone's numbers were questionable, it was Obama's.

"While it appears you are writing a piece based on rumors about CPP, the facts are that the Obama administration's estimates and analysis of costs and benefits was, in multiple areas, highly uncertain and/or controversial," she said in an email Thursday night.

The businesses and states that opposed Obama's regulation say it's about time EPA reconsidered the costs. For example, it's reasonable to count only the rule's U.S. benefits since Americans would be paying the costs, said Jeff Holmstead, an industry lawyer who was EPA's air administrator under former President George W. Bush.

The math surrounding the rule has long been a political lightning rod.

The Obama-era EPA said the rule would be a net gain for society because shifting to cleaner energy sources would slow climate change and reduce pollution-related illnesses, among other benefits. In contrast, studies financed by conservative groups estimated that the regulation would cost the economy hundreds of billions of dollars during the same time frame.

The rule sought to cut the U.S. power industry's carbon pollution 32 percent by 2030, compared with 2005 levels — and as of two years ago, the country was more than halfway there. The regulation was the centerpiece of Obama's pledge that the U.S. would fulfill its part of the 2015 Paris climate agreement.

Trump has since announced he's pulling the United States out of Paris, unless he can "negotiate"

a more favorable deal, and he's ordered EPA to undo a host of Obama-era regulations, chief among them the Clean Power Plan.

He has also directed his agencies to recalculate Obama's math on the social and economic impacts of climate change.

In a March executive order, Trump disbanded an interagency team that had been working on revising the social cost of carbon.

He also told his agencies to revert to White House guidance from 2003, which directed regulators performing cost-benefit analyses to "focus on benefits and costs that accrue to citizens and residents of the United States." Any look at international implications should go into a separate report, the George W. Bush-era guidance said.

That "America First" approach to regulation is a big departure from Obama's methods, which considered the worldwide effects of reducing U.S. carbon pollution, but it will help Trump's EPA justify repealing the rule.

In the Clean Power Plan, the Obama administration had estimated that each metric ton of carbon dioxide imposes about \$40 of costs on society. That means the plan would yield about \$30 billion in global climate benefits by 2030 — but only \$2 billion to \$7 billion in domestic gains, less than the rule's estimated cost, according to the think tank Brookings.

Experts who support the international strategy say going back is misguided. Michael Greenstone, the chief economist for Obama's Council of Economic Advisers in 2009 and 2010, told lawmakers in March that using a social cost of carbon that incorporates only U.S. benefits is "essentially asking the rest of the world to ramp up their emissions."

Noah Kaufman, an economist for World Resources Institute's climate program, said that "because climate change is a global problem, it requires a global solution."

"If countries try to solve it only for themselves, not taking into account how U.S. emissions affect the global community, and the global community doesn't consider how it affects us ... you're just never going to solve the problem," Kaufman said.

EPA will also refuse to count many of the health benefits that the Obama administration estimated would arise as side effects of reducing carbon emissions, the sources said. Specifically, Obama's regulators accounted for the fact that levels of sulfur dioxide, nitrogen dioxide and particulate matter — pollutants already regulated by other EPA rules — would decline along with the greenhouse gases.

In contrast, Trump's EPA won't count those ancillary reductions if the pollutants were already below levels that the agency has deemed safe in other standards.

Environmental advocates say that logic is wrong, because further curbing those pollutants means people will be even healthier. But Holmstead said that while it's legitimate for EPA to look at the

other pollutant reductions the rule might achieve, the agency shouldn't count them to offset costs.

The changes to the cost-benefit analysis will come in a regulatory impact analysis that aims to highlight a wide range of cost estimates for the rule. The analysis will accompany EPA's proposed rule for rescinding the Clean Power Plan and its advanced notice of proposed rulemaking on options to replace the regulation.

Obama's critics estimate the rule would force consumers to pay \$200 billion more by 2030 and saddle electricity customers with double-digit price hikes in many states, according to a [study](#) contracted by the conservative American Energy Alliance's Institute for Energy Research.

The Obama-era EPA and many academic institutions and think tanks have argued that the rule would cost far less, between \$5 billion and \$8 billion in 2030 by the agency's previous calculations. Plus, they have said, the social benefits of reducing carbon levels, slowing climate change and ratcheting down illness-causing air pollution would far offset the costs, achieving \$26 billion to \$45 billion in net benefits by 2030.

Advocates say costs are already proving to be even lower than expected as power companies move away from coal on their own.

The Institute for Policy Integrity at New York University School of Law this week released a [paper](#) compiling multiple studies that have found that Clean Power Plan compliance costs have fallen dramatically since the rule came out in 2015. That included an analysis from the American Petroleum Institute that estimated lower costs than EPA's original expectations.

"The takeaway from this should be, if we're going to do anything with the Clean Power Plan right now, given these trends we should be strengthening the goals," said Jack Lienke, an author of that paper and regulatory policy director for the institute. "Emissions can be reduced much more cheaply. That's a reason to set more aggressive targets, not to weaken targets or repeal them altogether."

To view online [click here](#).

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White House seeks nearly \$30B in disaster aid package [Back](#)

By Sarah Ferris | 10/04/2017 06:13 PM EDT

The White House this afternoon formally requested nearly \$30 billion in emergency funding for its ongoing recovery efforts in hurricane-battered regions like Puerto Rico, Florida and Texas.

In a letter to congressional leaders, the Trump administration asked for \$12.8 billion for FEMA's disaster relief fund, \$16 billion for the National Flood Insurance Program and \$576.5 million for the forest service's firefighting fund.

"We need the help of Congress to stabilize the affected communities and replenish dwindling and depleted funds," Office of Management and Budget chief Mick Mulvaney wrote. He said the money should be classified as "emergency spending," meaning it would not require spending offsets.

House and Senate appropriators immediately released statements in support of the White House's request and pledged to act quickly. House Appropriations Chairman [Rodney Frelinghuysen](#) (R-N.J.) said he would "put legislation forward as soon as possible."

Rep. [Nita Lowey](#), his Democratic counterpart on the panel, said she supported Trump's request for FEMA, but added it needed to go further.

"Congress should add to this request by appropriating funding for flexible Community Development Block Grants; rebuilding coastlines, roads, transit systems, airports, ports, and other infrastructure; small business loans; and repairs to military installations and other federal facilities damaged in the storms," said Lowey, of New York.

The White House's request had previously been [reported](#) by POLITICO.

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RSC chief stakes opposition to hurricane relief without offsets [Back](#)

By Sarah Ferris | 10/04/2017 10:50 PM EDT

The Republican Study Committee's chairman is threatening to oppose the next round of hurricane relief funding if Congress doesn't cut spending to cover the costs.

"We're going to come out strong for those to be offset," Rep. [Mark Walker](#) (R-N.C.) told POLITICO late Wednesday. "Just because Republicans are in charge doesn't mean deficits and debts no longer matter."

Walker said he has for weeks told fellow lawmakers, including those in leadership, to demand offsets. Now he is going public with his position as Congress considers the White House's new \$29 billion [disaster aid request](#).

Lawmakers are expected to vote mid-month on the fresh aid plan, which includes \$13 billion in Federal Emergency Management Agency funding that would not count toward Congress' annual spending limits.

GOP leaders have signaled there are likely to be more requests to come, and the price tag for hurricane recovery could total hundreds of billions of dollars.

So far, Congress has allocated \$15 billion in emergency funding since the three devastating storms began ravaging the U.S. and its territories with Hurricane Harvey's initial blow in late August.

Walker's demands are likely to incite a years-old fiscal fight within the GOP over whether emergency spending should add to the nation's deficit.

Prominent conservatives, including Vice President Mike Pence and House Speaker Paul Ryan (R-Wis.), have for years argued that disaster relief should be offset.

"Congress must ensure that a catastrophe of nature does not become a catastrophe of debt," then-congressman Pence said in a 2005 floor speech that has resurfaced in recent weeks.

In 2011, a similar demand by House conservatives brought the government to the brink of shutdown.

Walker proposes Congress consider reshuffling money from accounts like the Energy Department's loan program for manufacturing fuel-efficient cars.

This year, a majority of House Republicans already agreed to bend the pay-as-you-go requirement for the \$15 billion hurricane relief package (H.R. 601 (115)) enacted last month. Ninety Republicans, including Walker, opposed the legislation, which also funded the government through Dec. 8 and temporarily suspended the debt ceiling.

On future packages, Walker said he believes "the bulk" of the House's Republicans will join in opposition if there are no offsets.

The first emergency package was different, he argues, because it was an immediate response when "there were people's lives in the balance" and it "wasn't an overwhelming amount."

Walker stressed that he isn't planning to hold a disaster package "hostage" but wants to remind fellow Republicans that they, too, have campaigned against runaway spending.

"We just want to say, 'Hey, we're waving a flag out here,'" Walker said. "If we don't have the money, then is it not due diligence to go find out where money is being spent frivolously?"

To view online [click here](#).

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Sources: Trump expected to tap Wheeler as EPA deputy [Back](#)

By Andrew Restuccia, Alex Guillén and Anthony Adragna | 03/16/2017 08:00 PM EDT

President Donald Trump is expected to tap Andrew Wheeler, a coal lobbyist and former aide to Sen. Jim Inhofe, to be deputy administrator of the Environmental Protection Agency, sources familiar with the hiring process told POLITICO.

Sources cautioned that the decision has not yet been finalized, but they said Wheeler is expected to get the job. It's unclear when Trump will make the announcement, but one source said it could be weeks before Wheeler is officially tapped.

Wheeler worked as an EPA staffer earlier in his career. He later joined Inhofe's Senate office and then spent more than a decade as a Republican staffer on the Senate Environment and Public Works Committee, where he worked on several major pieces of legislation, including the 2005 and 2007 energy bills.

He has worked at the law firm Faegre Baker Daniels since 2009. He now co-leads the firm's energy and natural resources practice.

Wheeler is a registered lobbyist for Murray Energy, the nation's largest privately owned coal company, which regularly filed lawsuits against the Obama administration over its environmental regulations.

As a lobbyist, Wheeler may need to obtain a waiver to serve at the EPA.

Trump signed an executive order in January that bars registered lobbyists from participating in "any particular matter" on which they lobbied in the past two years. Those lobbying restrictions last for two years from the time the person joins the administration.

But the executive order says the administration can grant "any person a waiver of any restrictions" in its ethics and lobbyist requirements. Unlike an order signed by former President Barack Obama in 2009, Trump's executive order doesn't require public disclosure of the waivers.

Aside from Murray, Wheeler also lobbies on unspecified energy and energy efficiency issues for Underwriters Laboratories, an Illinois-based lab company, and on agricultural issues for cheese maker Sargento. His former clients include Xcel Energy and Bear Head LNG, as well as a cooking oil-recycling company, an auto auctioner and a medical isotope coalition.

Wheeler won't be the only energy lobbyist to join the Trump administration. Mike Catanzaro, a lobbyist at the firm CGCN Group whose clients included several fossil fuel companies, took a job at the White House last month as an energy and environmental adviser at the National Economic Council. Catanzaro is a former EPW staffer to Inhofe.

Meanwhile, EPA Administrator Scott Pruitt, a fellow Oklahoman, has also brought former Inhofe aide Ryan Jackson on as chief of staff. Byron Brown, a former Inhofe aide, is EPA's deputy chief of staff and Mandy Gunasekara, a former EPW counsel, is now a senior policy adviser to Pruitt.

More aides with ties to Inhofe are expected to join the EPA in the coming weeks. Susan Bodine

and Brittany Bolen, two EPA staffers, are widely expected to be offered jobs at EPA.

Wheeler, a White House spokeswoman and an EPA spokesman did not immediately respond to a request for comment.

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White House announces Wheeler pick for EPA deputy [Back](#)

By Alex Guillén | 10/05/2017 03:52 PM EDT

The White House today nominated Andrew Wheeler to be deputy EPA administrator.

POLITICO [reported](#) in March that Wheeler was the leading contender for the job, which will help run day-to-day operations at EPA while the agency works to undo many Obama-era regulations.

Wheeler previously worked for Sen. [Jim Inhofe](#) and the Senate Environment and Public Works Committee. Since 2009, he has been an attorney at the law firm Faegre Baker Daniels, where he was a registered lobbyist for coal producer Murray Energy. Wheeler de-registered himself as a Murray lobbyist in an Aug. 11 [filing](#).

Wheeler will be at least the seventh political staffer with ties to Inhofe to land at EPA. Others include chief of staff Ryan Jackson, deputy chief of staff Byron Brown, adviser Mandy Gunasekara and Susan Bodine, the enforcement nominee who started working as an enforcement adviser to Administrator Scott Pruitt last month ahead of her Senate confirmation.

WHAT'S NEXT: The Senate Environment and Public Works Committee will likely schedule a confirmation hearing for Wheeler in the coming weeks.

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Sources: FERC enforcement critic in line to become enforcement chief [Back](#)

By Darius Dixon and Esther Whieldon | 10/05/2017 04:29 PM EDT

Skadden attorney John Shepherd Jr. is expected to be named FERC's next head of enforcement, according to two sources with knowledge of the plans.

Shepherd co-authored a [paper](#) for the Energy Law Journal in 2010 calling for new due process

rules within the FERC enforcement office, which polices energy markets for manipulation, and has made headlines for levying multi-million dollar fines against firms like JPMorgan Chase and Barclays. Shepherd co-authored the paper with William Scherman, a former FERC general counsel who has been critical of the agency's enforcement work.

According to his [biography](#) on the Skadden, Arps, Slate, Meagher & Flom website, Shepherd's practice focuses on market design, market power and market manipulation issues in the energy and natural gas markets. His biography also highlights his success securing the "dismissal of a non-public investigation against a Midwest natural gas company for alleged capacity 'flipping' violations."

The sources said the timing of the appointment was not certain.

Reached by phone today, Shepherd said he had not been contacted about the position.

Last month, fellow Skadden attorney James Danly became FERC's general counsel.

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Tim Murphy resigns from Congress [Back](#)

By Rachael Bade and Jake Sherman | 10/05/2017 04:06 PM EDT

Rep. Tim Murphy (R-Pa.), the embattled anti-abortion lawmaker who allegedly encouraged his lover to terminate a pregnancy, on Thursday announced his plan to resign from office later this month — just a day after announcing his plan to retire following the 2018 election.

The Pennsylvania Republican's about-face came after House GOP leaders and senior Republicans upped the pressure on Murphy to step down. Republican sources familiar with Murphy's thinking said the married father of one child initially believed he could weather a [story](#) in the Pittsburgh Post Gazette, revealing he had sent a series of text messages to his girlfriend — a psychologist half his age — encouraging her to have an abortion. Murphy has been a strongly anti-abortion lawmaker during his 15 years in Congress.

"This afternoon, I received a letter of resignation from Congressman Tim Murphy, effective October 21," Speaker Paul Ryan said in a statement. "It was Dr. Murphy's decision to move on to the next chapter of his life, and I support it."

But many senior Republicans did not believe Murphy could — or should — survive until the end of his term. Several top Republicans said Ryan, who met with Murphy Wednesday evening to discuss his future, also wanted him to step down.

GOP insiders also were worried that additional damaging stories could surface involving

Murphy and his office. The Post-Gazette revealed that his staff was in turmoil for years, with the congressman yelling at aides and throwing folders.

"As I said last night, the circumstances surrounding this situation are extremely disappointing to me," National Republican Congressional Committee Chairman Steve Stivers said in a statement.

But Stivers predicted that Republicans would easily hold Murphy's district, despite the scandal that destroyed the GOP lawmaker's career.

"The NRCC is undefeated in special elections this year and I'm supremely confident that will continue," the Ohio lawmaker said. "In the meantime, we look forward to seeing how national Democrats can spin yet another special election loss into a so-called moral victory."

The sudden furor surrounding Murphy brought a wave of detractors eager to tell of their mistreatment at his hands during his time in Congress.

Five former Murphy employees contacted POLITICO to share stories of inappropriate behavior by both Murphy and his chief of staff Susan Mosychuk. Those included tales of staff being berated as "worthless" and "stupid." Others told of being forced by Mosychuk to take the stairs instead of the elevators as punishments for underperforming.

Republicans believed the matter could become an ethics issue that would trigger an investigation and distract from GOP messaging. With Murphy set to resign in two weeks, any ethics probe would end as soon as he left office.

Throughout Wednesday, Murphy held a series of private meetings with other GOP lawmakers as he sought to save his career. Pennsylvania GOP Reps. Charlie Dent and Bill Shuster huddled with Murphy in his office on Wednesday afternoon, but would not discuss what was said following the private session.

By Thursday morning, Murphy began to understand those complications and had drafted a resignation letter.

Murphy's departure from Congress is expected to set off a scramble to replace him in what is a safe GOP seat. Democrats signaled that they have very low expectations of making a competitive run there.

"Pennsylvania's 18th Congressional District is a reliable Republican stronghold, but the grass-roots energy behind Democrats has proven powerful this year, and we will be closely tracking this district and special election," said Meredith Kelly, communications director for the Democratic Congressional Campaign Committee.

In Pennsylvania special elections, the state central committees for both parties select primary nominees, rather than through a primary vote.

Pennsylvania Gov. Tom Wolf, a Democrat, will set the special general election date, which some

political operatives believe will occur on the same day as the regular primary date next May.

"I'd assume the governor would put it on primary election day of next year," said Mark Harris, a Republican consultant in the state. "If that's the case, there would be two ballots — a special election ballot and a primary ballot. In theory, a candidate could win the special election and another candidate could win the primary."

Two Republican candidates announced their bids on Thursday — state Sen. Guy Reschenthaler, a former judge and Iraq War veteran, and state Sen. Kim Ward. Local operatives also named state Rep. Rick Saccone, who's currently running for the U.S. Senate, as another potential candidate.

Three Democrats were already vying to take on Murphy before he resigned, including Pam Iovino, a veteran who picked up an endorsement from VoteVets on Wednesday. But Democratic operatives said they expect more candidates to jump in, naming Matt Smith, president of the Greater Pittsburgh Chamber of Commerce, state Rep. Dan Miller and Westmoreland County Commissioner Ted Kopas.

John Bresnahan and Elena Schneider contributed to this report.

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Bill to expand E15 ethanol dead for the year [Back](#)

By Eric Wolff | 10/05/2017 03:36 PM EDT

A bill to allow year-round sales of higher blends of ethanol won't get a vote in the Senate Environment and Public Works Committee this year after it attracted amendments that targeted major environmental laws, Republican senators told POLITICO.

Both EPW Chairman [John Barrasso](#) (R-Wyo.) and Sen. [Deb Fischer](#) (R-Neb.), author of [S. 517 \(115\)](#), said it lacked the votes to get out of committee despite having five members as co-sponsors. A majority of the remaining Republicans opposed the measure, and Fischer failed to win the backing of at least six Democrats to get it through the committee. Fischer had previously decided against bringing the bill to markup in July.

Republicans like Sen. [Jim Inhofe](#) (R-Okla.), who opposed the bill, saw it as a chance to weaken the Clean Air Act, and industry sources said Democrats had a string of their own plans to try to address concerns about higher food prices and increased air pollution. The combined weight of the amendments under discussion ultimately sunk the bill.

"The original sponsor said the votes aren't there; I don't expect to see it this year," Barrasso said. Fischer agreed that the bill would not come up for a vote this year.

Ethanol producers have long argued that allowing year-round sale of gasoline with 15 percent ethanol would help increase the number of credits that refiners must use to comply with the Renewable Fuel Standard — and ultimately drive down prices. But the oil industry sees the RFS as "broken," and major producers have no interest in small tweaks, especially one that would cut into the sale of their product.

Fischer won committee time in May for her bill, which would waive a Clean Air Act provision that prevents summer sales of E15 in some states after a last-minute scramble for votes on a resolution to kill an Obama-era rule limiting methane leaks by gas producers. Barrasso agreed to give her bill a hearing and a markup vote in exchange for votes from Fischer, Sen. Chuck Grassley (R-Iowa) and other corn-state Republicans. The methane resolution ultimately failed.

Ethanol producers had hoped to sway Democrats by touting the fuel's lower greenhouse gas profile than gasoline, and the hope that allowing E15 to be sold all year would create higher demand for advanced biofuels with even lower emissions, a top concern for longtime RFS supporter Sen. Ed Markey (D-Mass.).

The committee also has five senators among its members thought to be considering running for the Democratic nomination for president in 2020: Sens. Bernie Sanders (I-Vt.), Cory Booker (N.J.), Kirsten Gillibrand (N.Y.), Kamala Harris (Calif.) and Jeff Merkley (Ore.). Ethanol remains a key issue in Iowa, and a "yes" vote could have been a boost to a primary bid.

But industry sources say that Democrats, along with the Sierra Club, which opposed the bill, had concerns about the potential for higher food prices and air pollution. A biofuels and a refining industry source said Democrats wanted an amendment to cap ethanol volumes if food prices ran too high, and some Democrats worried that the air waiver, which has to do with fuel evaporation provisions, would create air pollution problems.

Though Fischer had sought a rifle shot that would address only the Clean Air Act waiver, the legislation ultimately "ricochets all over the place," said a refining industry source who opposed the bill.

"I think what happened [was] it looked like we were really going to do this. So we loaded the box up with every Clean Air Act amendment we could think of," he said.

Inhofe had his sights on the Clean Air Act, and he had planned a host of amendments, including killing the Clean Power Plan and the Waters of the United States rule, and sunsetting the conventional biofuel requirement that is typically filled by ethanol. The amendments would be hard for Republicans to oppose but would have been virtually impossible for Democrats to support, if any got attached to the bill.

"We think it is very unfortunate that this bill has been caught up by unrelated issues," John Fuher, senior director for government affairs for Growth Energy, an ethanol group, said in a statement. "We continue to believe that this legislation is necessary, as it would lift an outdated, unnecessary restriction on retailers who want to offer their customers the choice of a cleaner,

more affordable fuel option year-round."

Oil groups who opposed the legislation were more upbeat.

"We are pleased that E15 waiver is not moving," said Frank Macchiarola, downstream director for the American Petroleum Institute. "We think it reflects a broad bipartisan consensus that, first, E15 is not ready for the market place, and second, the RFS needs to be addressed holistically with significant reforms based on free market fundamentals that protect the American consumer."

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Subject: CNAS Releases New Report on Economic Populism, Energy Policy, and National Security

New report: Economic Populism, Energy Policy, and National Security

Contact:
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CNAS PRESS RELEASE

CNAS Releases New Report on Economic Populism, Energy Policy, and National Security

Washington, November 14 – As a populist backlash rises against international political and economic institutions – both in the United States and around the world – experts from the Center for a New American Security (CNAS) Energy, Economics, and Security (EES) Program have written a new report examining how that backlash could harm U.S. energy production and exports and arguing that open U.S. energy markets are good for the domestic economy and national security interests. The report, “Energy, Economic Growth, and U.S. National Security: The Case for an Open Trade and Investment Regime,” further argues that, particularly in this time of growing distrust in the fundamentals of globalization, it is critical to explain publicly why open energy markets are beneficial to the U.S. and to the American people.

The report was written by CNAS Adjunct Senior Fellow David Gordon, Eurasia Group Head of Global Energy and Natural Resources Practice Divya Reddy, CNAS Director of the EES program Elizabeth Rosenberg, CNAS Research Associate Neil Bhatiya, and CNAS Researcher Edoardo Saravalle.

Summary

It has been nearly two years since Congress lifted the ban on the export of crude oil from the United States. In 2015, a Center for a New American Security report - “Crude Oil & U.S. National Security” - examined the implications of the ban for U.S. national security. The report further argued that opening the export market for oil, which had been closed since the Organization of Petroleum Exporting Countries (OPEC) oil embargo of the mid-1970s, would help U.S. energy producers nimbler and the U.S. economy more resilient. It would also strengthen America's influence and leverage around the world.

At the core of this report was the argument that an open U.S. energy market would strengthen global energy resilience, improve the U.S. trade balance, and ensure the continued primacy of the U.S. dollar, while avoiding putting upward pressure on U.S. gasoline prices. At the same time, it would promote more open energy markets globally, which is positive for both the U.S. economy and U.S. national security interests. By increasing the proportion of global energy supplies from politically

stable regions, U.S. exporters would support U.S. allies both in this hemisphere and in Europe and East Asia, while weakening the leverage of the OPEC cartel and thus making the market less vulnerable to price spikes. Finally, the report argued that opening up exports would enable the United States to sustain its technological advantage in unconventional energy production, a further source of leverage (and admiration) around the world.

In December 2015, Congress and the Barack Obama administration reached an agreement on legislation to lift the crude ban and extend tax credits for renewable energy. At about the same time, U.S. policy leaders also began to loosen the regulatory regime around natural gas exports. As a result of these actions, the U.S. role in international energy markets grew substantially, especially in 2017.

When President Donald Trump hosted “Energy Week” in early July 2017, his main theme was that the United States was poised to enter a new world of energy dominance. According to Energy Secretary Rick Perry, “An energy-dominant America means self-reliant. It means a secure nation, free from the geopolitical turmoil of other nations who seek to use energy as an economic weapon. An energy-dominant America will export to markets around the world, increasing our global leadership and our influence.”

The “energy dominance” slogan suggests a more zero-sum relationship than is accurate or desirable – global energy players are fundamentally interconnected, and our energy market partner countries do not want to be dominated by the United States. The U.S. political debate around energy still features arguments for restricting exports and naïve calls for “energy independence.” However, the growing perception of the United States as an energy market “maker” rather than a “taker” speaks to how rapidly and profoundly global energy markets are evolving, and to the central U.S. role as a major producer and exporter in that revolution. Two years after the CNAS report on lifting the crude export ban was published, and its core recommendation adopted, almost all of the impacts discussed in the report are happening in the real world.

Two years ago, an outdated regulatory framework stood in the way of the United States reaping the benefits of an open energy trade and investment regime. Those constraints are, for the most part, no longer a factor. However, while the trajectory of energy policy seemed to be moving toward reducing some of the last vestiges of regulation of U.S. energy markets, like the Jones Act mandating that only U.S.-flag ships can transport goods between U.S. ports, the dynamic is now different.

Today, a rising populist backlash against the international system finds its expression in trade protectionism and a distrust of multilateralism. These themes appeal to voters who remember a time of U.S. industrial dominance that they believe has been eroded by globalization and the willingness of elites in Washington to sign trade deals that hurt U.S. competitiveness. While these sentiments do not focus specifically on energy markets, they may erode the political and economic arrangements that support them. They may also be here for an extended period; there are few signs that the economic and global migratory forces that set them in motion will change anytime soon.

In the United States, there has been an erosion of popular support, on both the right and the left, for open trade and commercial flows, as well as for U.S. leadership in the international institutions that underpin these activities. This now threatens the actual and potential benefits to the United States – in both economic and national security terms – that have begun to accumulate since the dramatic shift in U.S. energy policies in the final years of the Obama administration. In this context, it is more important than ever to explain why open energy markets are beneficial to the United States. That is the purpose of this report. But beyond this analysis and its policy recommendations to the administration, it is absolutely critical that energy firms invest more in conservation, community engagement, and trust building with the people affected by their activities. Without this, no amount of regulatory support will afford these firms the “social license to operate” or relieve them of massive

litigation activities that challenge their operating capacity.

This report assesses why, in the context of expanding U.S. energy production and exports, open U.S. markets are good for the U.S. economy and the broader global economy and, at the same time, support U.S. national security interests. The report then makes a series of policy recommendations – largely on what traps the Trump administration needs to avoid – to ensure that “energy dominance” does not veer down the path of a new version of damaging energy protectionism. The report also presents ideas for how companies may be able to restore broader public confidence in the responsible operation of the U.S. fossil fuel industry.

The report’s authors are available for interviews. To arrange an interview, please contact Neal Urwitz at nurwitz@cnas.org or 202-457-9409.

The Center for a New American Security (CNAS) is an independent and nonpartisan research institution that develops strong, pragmatic and principled national security and defense policies. CNAS leads efforts to help inform and prepare the national security leaders of today and tomorrow.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Tue 10/17/2017 10:19:21 PM
Subject: "Administrator Pruitt Is Cleaning Up The EPA By Ending This Insider Game"

WHAT THEY ARE SAYING ...

"Administrator Pruitt Is Cleaning Up The EPA By Ending This Insider Game"

House Majority Leader Kevin McCarthy (CA-23) "Sue and settle is a completely illegitimate way for radical special interests to circumvent the regulatory process and impose new rules. Administrator Pruitt is cleaning up the EPA by ending this insider game that lets the well-connected get special treatment at the expense of everyone else. The EPA should focus on keeping the environment clean, which is why I couldn't support Administrator Pruitt's decision more."
([Congressional Western Caucus](#), 10/16/17)

U.S. Senator John Barrasso (R-WY), Chairman Of The Senate Committee On Environment And Public Works "EPA Administrator Pruitt's directive will increase transparency so that the agency makes policies that are fair and informed. The Environmental Protection Agency should not make regulations by settling lawsuits behind closed doors. Under the last administration, the EPA advanced its political agenda by abusing its authority and leaving states and Congress in the dark. The public deserves to know how its government is operating." ([Senate Environment & Public Works Committee](#), 10/16/17)

U.S. Senator Ted Cruz (R-TX) "The announcement from the EPA to end 'sue and settle' practices in the EPA is a major victory for millions of hardworking Texas landowners. For far too long, the EPA has colluded with special interest groups, resolving litigation through consent decrees and settlement agreements behind closed doors. I commend Administrator Pruitt for his leadership on this issue and ending the practice of regulation through litigation. I urge my colleagues in both the House and the Senate to pass the *Sunshine for Regulatory Decrees and Settlements Act*, to codify this policy into law, providing lasting transparency and accountability to the agency." ([Office of Senator Ted Cruz](#), 10/16/17)

U.S. Congressman Doug Collins (GA-9) "No government agency should collude with special interest groups to redefine its priorities through covert consent decrees. The EPA's decision to crack down on this practice will give Americans back their right to know about and respond to federal rulemaking, and I applaud Secretary Pruitt for taking this step today. I will continue working to snuff out back-room litigation that unfairly impacts our citizens. The EPA's directive reflects the principles outlined in the *Sunshine for Regulatory Decrees and Settlements Act*, which would ensure that the sue-and-settle mischief we witnessed during the last administration would never again take hold in a federal agency." ([Congressional Western Caucus](#), 10/16/17)

U.S. Congressman Jason Smith (MO-8) "It's wrong for Washington to leave the 'sue and settle' loophole open and waste Missourians hard-earned money paying attorney fees for radical environmentalist groups and other radical, left wing organizations. I'm proud that my legislation to fix this problem was passed by the U.S. House of Representatives and that the EPA is following suit."

with closing this harmful loophole.”(Congressional Western Caucus, 10/16/17)

U.S. Congressman Blake Farenthold (TX-27) “I agree with Administrator Pruitt’s decision designed to end the abusive practice of sue and settle agreements. The process creates an unfair system where special interest groups win, and taxpayers lose. For years, we have warned that abuse of consent decrees circumvents the legislative process. It is time to restore an open process that allows input from the American people.”(Congressional Western Caucus, 10/16/17)

U.S. Congressman Paul Gosar (AZ-4) “EPA Administrator Pruitt and President Trump deserve our sincere thanks for taking bold action to end the fraudulent ‘sue and settle’ practices within the EPA. For years, extremist special-interest groups have milked taxpayers for millions that they turned around and used to fund anti-business measures that killed jobs. Shamefully, the EPA often colluded with these groups and folded like a cheap suit. It is a breath of fresh air to see an administration with a backbone end this abuse.”(Congressional Western Caucus, 10/16/17)

U.S. Congressman Steve Pearce (NM-2) “For years, the EPA has prioritized special interest groups over the interests of Americans. The sue-and-settle process denies Americans transparency and allows decisions to be made behind closed doors. Ending this practice will allow U.S. citizens to have a say in major agency actions as it should be. It is encouraging to see Secretary Pruitt act on his commitment to hold the agency to a higher standard, cutting government red tape that ensures transparency and accountability for the EPA.” (Congressional Western Caucus, 10/16/17)

U.S. Congressman Bruce Westerman (AR-4) “I commend Administrator Pruitt’s decision to end the egregious practice of ‘sue and settle.’ Through ‘sue and settle,’ the previous administration effectively removed the voice of the American people in environmental regulatory issues and replaced it with the opinion of special interest groups. I’m glad to see that the EPA will no longer allow themselves to be dictated to by threat of lawsuit.” (Congressional Western Caucus, 10/16/17)

U.S. Congressman Kevin Cramer (ND-AL) “The Obama Administration was a breeding ground for extreme environmental groups suing the federal government only to get behind closed doors and reach a friendly settlement agreement. Not only did these settlements circumvent the transparent rulemaking process and prioritize agency obligations to environmentalists’ liking, but it enriched the environmental group lawyers in the process at the expense of the taxpayer. I’m pleased to see the Trump Administrator stomp out this practice mirroring many of the reforms put forward by House Republicans.” (Congressional Western Caucus, 10/16/17)

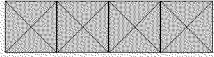
U.S. Congresswoman Liz Cheney (WY-AL) “I strongly support EPA Administrator Pruitt’s directive to end the practice of ‘Sue & Settle.’ For far too long the Obama-era EPA worked hand-in-hand with far-left environmental organizations to promote their extreme agenda at the expense of hard working men and women in Wyoming. This directive starts a necessary path for the EPA to correct and restore the transparency that was often lacking during the Obama Administration and prevent Wyoming taxpayer dollars from being used to feed an endless cycle of frivolous lawsuits.” (Congressional Western Caucus, 10/16/17)

U.S. Congressman Markwayne Mullin (OK-2) “I support Administrator Pruitt’s directive to end the ‘sue and settle’ practices at the EPA. This practice of settling lawsuits behind closed doors lacks the transparency that the American people deserve and circumvents Congress’ role of passing smart and effective regulations. This directive will hold the EPA accountable and deliver a more transparent regulatory process.” (Congressional Western Caucus, 10/16/17)

U.S. Congressman Greg Gianforte (MT-AL) “I am pleased by Administrator Pruitt’s announcement that the EPA will terminate its sue-and-settle practice. The previous administration used sue-and-settle as an end run to do what they could not get done legislatively. I have worked with my

colleagues for a legislative fix to prevent environmental special interests from getting paid through sue-and-settle. Administrator Pruitt's decision is a promising first step, and I hope more is done to end this practice." ([Congressional Western Caucus](#), 10/16/17)

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Fri 10/13/2017 1:23:50 PM
Subject: Proposed carbon rule repeal to be published Monday

By Alex Guillén

10/13/2017 09:21 AM EDT

EPA's proposed repeal of the Clean Power Plan will run in Monday's Federal Register, launching a 60-day comment period.

The proposed repeal argues that the regulation overstepped EPA's authority by requiring fuel shifting for compliance and must be revoked in full.

A separate advance notice for a possible replacement rule is currently under review at the Office of Management and Budget. It questions whether EPA has any authority to regulate greenhouse gases from power plants and suggests states may get the "primary role" in deciding future rules and limits, according to excerpts of a draft obtained by POLITICO. It is unclear when EPA will release that advance notice for comment.

WHAT'S NEXT: EPA will take comment on the proposed repeal through Dec. 15.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/10/proposed-carbon-rule-repeal-to-be-published-monday-094249>

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Sent: Thur 10/5/2017 8:22:23 PM
Subject: Andrew Wheeler Nominated as EPA Deputy Administrator

CONTACT: press@epa.gov

Andrew Wheeler Nominated as EPA Deputy Administrator

WASHINGTON (October 5, 2017) Today, President Donald J. Trump announced his intention to nominate Andrew Wheeler as deputy administrator for the U.S. Environmental Protection Agency (EPA).

Mr. Wheeler has spent his entire career working in environmental policy. In addition to spending four years at EPA's Office of Pollution Prevention and Toxics during the George H. W. Bush and Bill Clinton administrations, he also spent many years on Capitol Hill. After serving as general counsel to U.S. Senator James Inhofe, he worked as staff director and chief counsel for two Senate Committees with vital roles in protecting human health and the environment: the U.S. Senate Committee on Environment and Public Works (EPW) and the U.S. Senate Subcommittee for Clean Air Wetlands and Nuclear Safety. Mr. Wheeler currently works as a principal at FaegreBD Consulting providing guidance on federal regulatory and legislative environmental and energy issues.

"Andrew will bring extraordinary credentials to EPA that will greatly assist the Agency as we work to implement our agenda," **said Administrator Pruitt**. "He has spent his entire career working to improve environmental outcomes for Americans across the country and understands the importance of providing regulatory certainty for our country."

His nomination is receiving high accolades from across the country:

U.S. Senator James Inhofe: "I am pleased that President Trump has nominated Andrew Wheeler to serve as deputy administrator at the EPA. There is no one more qualified than Andrew to help Scott Pruitt restore EPA to its proper size and scope. When he served as my staff director of the Environment and Public Works Committee, he provided me with invaluable guidance, and in turn became a close friend. I am confident he will serve the American people and President Trump with exceptional skill in this position, and I look forward to ensuring his swift confirmation."

U.S. Congressman Bill Johnson: "Andrew Wheeler will do a fine job at EPA, helping to ensure the agency's mission of protecting the environment is maintained without the EPA becoming an unnecessary impediment to responsible energy exploration and job creation."

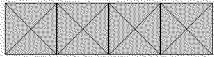
U.S. Congressman David B. McKinley: "With extensive experience working on Capitol Hill, in the Executive branch, and in the private sector, Andrew Wheeler is eminently qualified and a great pick to serve as Deputy Administrator of the EPA. There are few people in Washington who have the same depth of knowledge and experience on energy and environment issues. I look forward to continuing working with Andrew once he is confirmed in his new role."

Former U.S. Senator Joe Lieberman: "Andrew was Republican staff director during part of the time I was on the Senate Environment Committee. We worked together on some issues and disagreed on others. He conducted himself in a fair and professional manner. I hope his nomination will

receive similarly fair consideration by the Senate."

Jay Timmons, President and CEO, National Association of Manufactures: "Andrew's significant experience on Capitol Hill, and his extensive background working on environmental and natural resource policy makes him an outstanding choice to join the leadership at the EPA. Manufacturers have welcomed Administrator Pruitt's efforts to bring balance to rulemaking at the agency and focus on the EPA's core mission. We're confident Andrew will help advance that mission and ensure that our country can achieve the dual goals of responsible environmental stewardship and strong economic growth."

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 10/5/2017 7:55:35 PM
Subject: White House announces Wheeler pick for EPA deputy

By Alex Guillén

10/05/2017 03:52 PM EDT

The White House today nominated Andrew Wheeler to be deputy EPA administrator.

POLITICO reported in March that Wheeler was the leading contender for the job, which will help run day-to-day operations at EPA while the agency works to undo many Obama-era regulations.

Wheeler previously worked for Sen. Jim Inhofe and the Senate Environment and Public Works Committee. Since 2009, he has been an attorney at the law firm Faegre Baker Daniels, where he was a registered lobbyist for coal producer Murray Energy. Wheeler de-registered himself as a Murray lobbyist in an Aug. 11 filing.

Wheeler will be at least the seventh political staffer with ties to Inhofe to land at EPA. Others include chief of staff Ryan Jackson, deputy chief of staff Byron Brown, adviser Mandy Gunasekara and Susan Bodine, the enforcement nominee who started working as an enforcement adviser to Administrator Scott Pruitt last month ahead of her Senate confirmation.

WHAT'S NEXT: The Senate Environment and Public Works Committee will likely schedule a confirmation hearing for Wheeler in the coming weeks.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/10/white-house-announces-wheeler-pick-for-epa-deputy-094007>

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From: POLITICO Pro Energy
Sent: Fri 10/13/2017 9:42:20 AM
Subject: Morning Energy, presented by ExxonMobil: Ryan heads to Puerto Rico amid latest Trump dustup — Is Perry abandoning free market principles? — Trump taps climate skeptic White to run CEO

By Anthony Adragna | 10/13/2017 05:40 AM EDT

With help from Alex Guillén

DIRE SITUATION IN PUERTO RICO GETTING HELP: Amid the latest controversy over President Donald Trump's tweets about the devastation in Puerto Rico, Congress is stressing its commitment to helping the nearly 3.5 million U.S. citizens still in dire need of assistance. Speaker [Paul Ryan](#) leads a bipartisan delegation to tour the devastated island today, a day after the House [overwhelmingly passed](#) a bill [H.R. 2266 \(115\)](#) that would aid Florida, Texas, Puerto Rico, the U.S. Virgin Islands and other sites of recent severe weather. All 69 lawmakers [voting against the bill](#) were Republicans. Senate leaders plan to take up the measure once they finish work on a budget resolution.

Meanwhile, the administration sought to walk back Trump's suggestions he might [pull the plug on aid](#) to the island. "Our country will stand with those American cities in Puerto Rico until the job is done," Chief of Staff John Kelly said in a press conference. And a FEMA spokeswoman, Eileen Lainez, [tweeted](#): ".@fema will be w/Puerto Rico, USVI, every state, territory impacted by a disaster every day, supporting throughout their response & recovery."

Democrats condemned Trump's comments: "Mr. President, do not send a message to any American that we will turn our backs on them. That is not fair; it's not right; and you ought to correct the statement you made this morning," House Minority Whip [Steny Hoyer](#) said on the floor. The island's governor, Ricardo Rossello, took a more measured tone: "The U.S. citizens in Puerto Rico are requesting the support that any of our fellow citizens would receive across our Nation," he [tweeted](#). Meanwhile, two House Democrats — [Nydia Velazquez](#) and [Bennie Thompson](#) — [asked DHS](#) to investigate whether the death toll of 45 currently associated with Hurricane Maria is far lower than the actual toll.

Situation on the ground: Amid reports residents were trying to drink from wells on Superfund sites, EPA said in a status update that it sent crews to Dorado, Caguas, and San Germán to post signs and attempt to ensure water truck deliveries to those neighborhoods. More than three weeks after the hurricane arrived, 83 percent of the island lacks electricity and 36 percent of residents lack potable drinking water, according to [government figures](#).

Meanwhile, California continues to battle wildfires that have devastated wine country and claimed at least 29 lives. Smoke from the fires has resulted in the production of as much as pollution in two days as all of the state's cars produce in a year, according to [USA Today](#), and the Bay Area has experienced its [worst air quality week](#) in recorded history.

TGIF EVERYBODY! I'm your host Anthony Adragna, and FERC's Joe McClelland was first to identify Rep. [John Moolenaar](#) as the only chemist currently serving in Congress. For today: Who

is the tallest U.S. senator in history? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

WHAT ARE YOU THINKING? A rising chorus of conservative voices are accusing Energy Secretary Rick Perry of betraying free market principles that have long been a GOP hallmark as he presses FERC to fast-track a new regulation that would directly benefit coal and nuclear power plants, Pro's Darius Dixon [reports](#). "This is inconsistent with a longstanding policy of fiscal responsibility and open markets that have always been espoused by what I thought of as the Republican Party. I'm not sure that we're in the same place today," said former Republican FERC commissioner Nora Mead Brownell, adding that Perry's plan "undoes 20 to 25 years of really hard work."

Republicans have long bashed the Obama administration's Clean Power Plan as an example of the government picking winners and losers, but many conservatives are finding it hard to celebrate that regulation's rescission this week as Perry plots a new government intervention. "There is no free market, but you don't fight intervention with intervention," said Tom Pyle, president of the pro-market Institute for Energy Research who led Trump's DOE transition team. "He's recognized the symptoms but he's not proposing the right cure."

Perry defended his proposal Thursday before a House Energy and Commerce Subcommittee, arguing the federal government had provided financial support to various sectors for a long time and that power markets were never really fair. "We have subsidized the energy industry for a long time. I, frankly, don't have a problem with that," he said. Asked about the cost of his proposal on consumers, Perry also shot back that the issue was crucial for the nation's security: "What's the cost of freedom? What does it cost to build a system to keep America free?"

WHITE ON SCHEDULE: The White House announced late Thursday night that Kathleen Hartnett White, an outspoken critic of climate change science, will be nominated as chair of the Council on Environmental Quality. That shouldn't shock Pros who recall the April [story](#) from POLITICO's Alex Guillén and Andrew Restuccia previewing her nomination. Expect White to have one of the more contentious nominations of the year as Senate Democrats assail her longtime attacks on climate change science. "Carbon dioxide is not a pollutant," White wrote in an op-ed last year, a major departure from established climate science. She also called for a government commission to review climate science, something Pruitt is carrying out at EPA. ME would also not be surprised if Democrats bring up the 2014 piece in which White argued fossil fuels helped end slavery.

Plus: The White House said Alex Beehler will be nominated to be assistant secretary of the Army for energy, installations and environment. Beehler, a senior Defense Department official during the Bush administration, now runs his own energy consultancy. He worked at Koch Industries from 2000 to 2003 as director of environmental and regulatory affairs, according to his [LinkedIn profile](#).

NOAA PICK CAUSES A STORM: Barry Myers' push to place restrictions on the information on the National Weather Service releases as CEO of AccuWeather is raising concerns for how

he'd approach such matters as the head of NOAA, POLITICO's Andrew Restuccia reports. "There seems to be a huge conflict of interest considering his business background and belief system," Daniel Sobien, the president of the National Weather Service Employees Organization, said. Sens. Bill Nelson and Brian Schatz are among the Democrats who've also expressed concerns with the pick.

HOUSE READY FOR A PRUITT APPEARANCE: Energy and Commerce Republicans are getting antsy for EPA Administrator Scott Pruitt to make his first appearance before their committee. "There's a lot of interest in him coming," Rep. John Shimkus, who chairs the Environment Subcommittee, tells ME. "[Chairman Greg Walden] is now convinced that it's time the administrator try to make time for us in his schedule." A committee aide said the panel was "currently working" to determine Pruitt's availability, a standard line for the last month.

CONGRESS TO GOVERNOR: DID YOU LIE UNDER OATH? The top House Oversight Republican and Democrat formally asked Michigan Gov. Rick Snyder in a letter Thursday whether he lied to them under oath about when he learned of an outbreak of Legionnaires' disease connected to the Flint water crisis. "If necessary, you may also choose to amend or supplement your testimony," Trey Gowdy and Elijah Cummings wrote. But Snyder shot back with his own letter shortly afterward defending his testimony as "truthful."

EXPANDED WHISTLEBLOWER PROTECTIONS PASS: The House unanimously — by a 420-0 vote — sent legislation S. 585 (115) expanding whistleblower protections for federal workers to the White House. It would also provide training to employees so they're aware of their rights. The chamber rejected a push from Democrats to expand the measure to include employees who call out superiors for "improper use of air transportation" after the resignation of former HHS Secretary Tom Price.

CASE STUDY IN WATER INFRASTRUCTURE WOES: Dilapidated infrastructure has forced the closure of a key lock on the Ohio River in southern Illinois that's led to a 57-mile backup of 51 towboats and 564 barges waiting to pass, Pro's Eric Wolff and Tanya Snyder report. The closure of Lock 52 highlights the need for the major cash infusion that Trump promised during a speech along the banks of the same river earlier this year. Deb Calhoun, a spokeswoman for the Waterways Council, said the advocacy group for water infrastructure would "hold the administration's feet to the fire," noting "the president said we need to fix it."

Situational awareness: Eric and Tanya note Trump himself hasn't spoken much about his infrastructure package recently — and that the fall timeline for Congress to craft a legislative infrastructure package has slipped away.

BACK IN THE DEEP SOUTH: Pruitt was in Mississippi Thursday where he met with Gov. Phil Bryant and held a roundtable to discuss the agency's recent proposal to pull back the Obama-era Waters of the U.S. regulation. "Our job at EPA is not to look at folks in Mississippi as adversaries, but as partners," Pruitt said in a statement. ME would note Pruitt does not appear to have held anything resembling this type of meeting in either the Northeast or Pacific Northwest to date.

MAIL CALL! THEY FOUND SOME BEEF: Four top House Democrats — [Peter DeFazio](#), [Betty McCollum](#), [Frank Pallone](#) and [Elijah Cummings](#) — sent a [letter](#) Thursday asking GAO to investigate whether EPA violated the Antideficiency Act and other federal laws when Pruitt appeared in National Cattlemen's Beef Association video urging members' to speak up as the agency considered whether to repeal WOTUS. "We request that GAO provide a legal opinion that addresses whether the Administrator's appearance in the promotional NCBA video in connection with the hyperlinked material on the NCBA website complies with the relevant limitations on the use of appropriated funds for lobbying and publicity or propaganda purposes and the Antideficiency Act," they wrote.

CONCERNED OVER SCIENTIFIC INTEGRITY: Two senior House Science Republicans — [Lamar Smith](#) and [Andy Biggs](#) — sent a [letter](#) to Pruitt on Thursday seeking a briefing, documents and other information about EPA's Integrated Risk Information System program, which establishes a federal database of the risks of various chemicals. "The Committee is concerned about persistent issues regarding the difficulty to correct IRIS assessments that appear to use low-quality science to justify results," they wrote.

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FROM THE DEPARTMENT OF GOOD LUCK WITH THAT: Sen. [Dianne Feinstein](#) sent a [letter](#) to Pruitt Thursday asking him to reconsider his move to rescind the Clean Power Plan. "Your decision to begin repealing the Clean Power Plan not only endangers the lives of Americans, it also undermines America's international credibility," she wrote.

GAMEPLAN FOR TACKLING SEXUAL HARASSMENT: Interior Secretary Ryan Zinke and National Park Service acting Director Mike Reynolds will today announce a strategy for eliminating sexual harassment, discrimination and intimidation during an all-employee meeting at the Grand Canyon National Park. Zinke's opening remarks will be public, though an employee question and answer session will be closed.

DEMOCRATIC CONSERVATION GROUP LAUNCHES: A new grassroots organization, [Democratic Conservation Alliance](#), launches today with the goal of electing and defending Democratic politicians who will fight against anti-conservation policies. "On behalf of America's public land owners, the Democratic Conservation Alliance will help kick anti-park politicians out of office and replace them with champions of conservation who will make Teddy Roosevelt proud," Matt Lee-Ashley, a board member, said in a statement.

AU REVOIR? All fossil fuel powered vehicles would be off the streets of Paris by 2030 under a plan the city unveiled Thursday, POLITICO Europe's Marion Solletty [reports](#). "The target is by no means written as a 'ban' by 2030 in the climate plan, but rather as a trajectory which seems both credible and tenable," a press release said. Mayor Anne Hidalgo wants diesel cars off the street by 2024 and gasoline cars gone by 2030.

COULD BE INTERESTING: Harvard's T.H. Chan School of Public Health examines public and private sector responses to climate change today at noon with a panel featuring former EPA chief Gina McCarthy and Washington Gov. Jay Inslee. Watch [here](#).

MOVERS, SHAKERS: Jennifer Y. Brown is leaving her role as chief of staff for the House Science, Space and Technology Committee. The panel's current deputy chief of staff, Mark Marin, will replace her.

GOT PLANS FOR UNITED NATIONS FOOD DAY? Celebrate on Monday with our Pro Agriculture colleagues, who are hosting a high-level conversation on the future of the global food supply. The event, "Greening the Food Supply: Carrots and Sticks that Work," will explore success stories in sustainable agriculture and consider the challenges involved in achieving a sustainable global food supply. Eastern Market is the place: North Hall, 225 7th St., SE. The time is 11:30 a.m. RSVP: [here](#).

QUICK HITS

- The Grandfather Of Alt-Science. [FiveThirtyEight](#).
- Grassley says public could sway EPA rules. [Iowa Farmer Today](#).
- The U.S. solar industry's new growth region: Trump country. [Reuters](#).
- Canada aligning with U.K. to fight global growth in coal-fired electricity. [CBC](#).
- North Dakota landowners' lawsuit against pipeline dismissed. [AP](#).
- Oil Prices Fall on Concerns Over Rising U.S. Production. [Wall Street Journal](#).
- Where's Zinke? The Interior secretary's special flag offers clues. [Washington Post](#).

HAPPENING TODAY

9 a.m. — House Natural Resources Energy and Mineral Resources Subcommittee holds [hearing](#) on onshore energy policy discussion draft, Longworth 1334

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Stories from POLITICO Pro

House passes second massive disaster package [Back](#)

By Sarah Ferris | 10/12/2017 03:29 PM EDT

The House overwhelmingly passed a \$36.5 billion emergency funding package Thursday intended to aid hurricane recovery in Puerto Rico and several mainland states, as well as wildfire response efforts in California.

In approving (353-69) their second tranche of hurricane aid in less than five weeks, House lawmakers agreed to the largest disaster package since Hurricane Sandy. But members from both parties describe the latest infusion as a down payment for a much more costly and comprehensive response.

"We've had some incredible tragedies and natural disasters," House Appropriations Chairman [Rodney Frelinghuysen](#) (R-N.J.) said on the House floor Thursday. "We must act quickly to make sure the federal government fulfills its duties to millions of people in need."

The legislation ([H.R. 2266 \(115\)](#)) now heads to the Senate, where leaders plan to take it up once the chamber has finished work on a budget resolution.

In the wake of three deadly hurricanes that pounded the U.S. this season, the aid bill would send another \$18.7 billion to replenish the Federal Emergency Management Agency's disaster relief fund. That money is used for urgent recovery efforts like power restoration and debris removal, as well as individual needs like housing and child care assistance.

The measure also includes \$4.9 billion in loans to help Puerto Rico's government make payroll for emergency services like police and fire departments.

The federal government has declared a dozen major disasters since August, from the hurricane-battered Florida coastline to California wine country.

More than three weeks after Hurricane Maria hit, Puerto Rico and the U.S. Virgin Islands are still reeling from their most devastating disaster in decades and could remain largely without power through the end of the year.

The bill mostly mirrors the White House's [request](#), including a contentious \$16 billion to partially wipe out the National Flood Insurance Program's debt.

Several House Republicans, particularly on the Financial Services Committee, [balked](#) at the idea of backing a longtime Democratic priority. Other conservatives, fueled by criticism from groups like [Heritage Action](#) and [Club for Growth](#), condemned the idea of including a flood program "bailout" in an emergency spending bill without reforms to help reach long-term solvency.

The GOP opposition was not enough to endanger the bill, however. Leadership ultimately fast-tracked the legislation, using a process for non-controversial bills that requires the support of two-thirds of those voting to achieve passage.

Hours before the House began debate, the disaster relief bill took on fresh urgency as President Donald Trump threatened to pull back federal resources from Puerto Rico. "We cannot keep FEMA, the Military & the First Responders, who have been amazing (under the most difficult circumstances) in P.R. forever!" he tweeted.

Using their debate time to condemn those remarks, several House Democrats were warned by the presiding officer not to barrage the president on the floor of the House.

"Mr. President, do not send a message to any American that we will turn our backs on them," the House's No. 2 Democrat, Rep. Steny Hoyer (D-Md.), said before the passage vote. "That is not fair, that is not right, and you ought to correct the statement you made."

Rep. Nita Lowey (D-N.Y.), the top Democrat on the House Appropriations Committee, called the president's outburst "reckless" at a time when "Americans are suffering and simply trying to survive." And Rep. Debbie Wasserman Schultz (D-Fla.) accused Trump of "indifference and soft bigotry."

Congress has already enacted \$15 billion in emergency aid for hurricane-battered states like Florida and Texas — a bill (H.R. 601 (115)) signed more than a week before Maria made landfall in Puerto Rico.

Democrats have for weeks demanded another cash infusion for the Caribbean territory, where the Trump administration has been accused of responding too slowly.

GOP leaders initially argued that manpower — not cash — was FEMA's most essential resource in the immediate wake of Maria. And a formal funding request was not expected until mid-to-late October.

But as public pressure mounted, the White House ultimately sped up its timeline and submitted a request last week.

Adding to that wish list on Tuesday, the Trump administration called for \$4.9 billion to stave off what Puerto Rico Gov. Ricardo Rosselló warned could become a "liquidity crisis."

Lawmakers from both parties, including the full 38-member Texas delegation, have pressed for funding beyond FEMA aid and debt relief for the flood insurance program. Local lawmakers say they desperately need cash for other rebuilding tools, like the Community Development Block Grant program and the Army Corps of Engineers.

House appropriators have said those programs will likely see boosts in a future aid package, while the current bill is intended for the most urgent, life-saving efforts.

"This is the second step. This is not going to be the last one. We are going to need a lot of more help in the coming months," Resident Commissioner [Jenniffer González-Colón](#), who represents Puerto Rico, said on the floor. "It will take a lot of resources, a lot of money and a lot of commitment of U.S. citizens like we are."

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Trump sparks new backlash after threatening Puerto Rico aid [Back](#)

By Matthew Nussbaum and Louis Nelson | 10/12/2017 07:57 AM EDT

President Donald Trump on Thursday suggested that U.S. citizens on the hurricane-ravaged island of Puerto Rico shouldn't get used to assistance from the federal government — a statement that sparked new outrage and left the White House on the defensive.

"Electric and all infrastructure was disaster before hurricanes," Trump wrote on Twitter in a series of posts. "Congress to decide how much to spend. We cannot keep FEMA, the Military & the First Responders, who have been amazing (under the most difficult circumstances) in P.R. forever!"

Trump has come under fire for appearing to blame Puerto Rico for neglecting its infrastructure and financial health in recent years, while sparring with local officials and initially giving the U.S. territory less attention than hurricane victims in Texas and Florida.

The tweets on Thursday — which landed as nearly 90 percent of the island was still without power and nearly 40 percent of residents lack access to clean drinking water — particularly touched a nerve.

"It is not that you do not get it; you are incapable of fulfilling the moral imperative to help the people of PR. Shame on you.![sic]" Carmen Yulín Cruz, the mayor of San Juan, wrote on Twitter. In recent weeks, she has been a target of severe criticism from Trump, who dismissed her and other critics as "politically motivated ingrates."

Puerto Rico's governor, Ricardo Rosselló, sought a less fiery path, writing on Twitter: "The U.S. citizens in Puerto Rico are requesting the support that any of our fellow citizens would receive across our Nation."

House Minority Leader Nancy Pelosi (D-Calif.) said at a news conference that Trump's broadside "is heartbreaking and it lacks knowledge."

Two other Democrats, Reps. Nydia Velázquez (D-N.Y.) and Bennie Thompson (D-Miss.), even asked the Department of Homeland Security to investigate the possible underreporting of deaths

caused by Hurricane Maria in Puerto Rico.

The concern was not contained to Democrats. House Speaker Paul Ryan echoed Trump's comment that the island needs fiscal reforms, but suggested now was not the time for that debate.

"At the moment, and it's why I'm going down there tomorrow, there's a humanitarian crisis that needs to be attended to and this is an area where the federal government has a responsibility, and we're acting on it," Ryan said.

The White House sought to clean up the comments later on Thursday, with chief of staff John Kelly telling reporters later that "the U.S. military and FEMA can't be there forever."

"The minute you go anywhere as a first responder, and this would apply certainly to the military, you are trying very hard to work yourself out of a job," Kelly said during a surprise appearance at the White House briefing, adding that FEMA and the military can be withdrawn "hopefully sooner rather than later."

He said he had spoken with Rosselló earlier Thursday and that the White House enjoys a "great relationship" with the governor. "Our country will stand with those American cities in Puerto Rico until the job is done," Kelly added.

The White House also released a statement from press secretary Sarah Sanders on Thursday afternoon.

"Our job in any disaster affected location is to help the community respond and recover from that disaster. We continue to do so with the full force of the U.S. government and its resources in Texas, Florida, Puerto Rico and the US Virgin Islands and other affected areas," Sanders said. "Successful recoveries do not last forever; they should be as swift as possible to help people resume their normal lives. We are committed to helping Puerto Rico. Our Administration is working with Governor Rossello and Congress to identify the best fiscally responsible path forward."

And a White House official stressed that Puerto Rico's debt crisis would be addressed independently of the disaster relief process.

Trump's morning warning came after White House officials had stressed for weeks their intention to work with Puerto Rico throughout the recovery process. And Trump himself had said last month that "we will not rest ... until the people of Puerto Rico are safe."

"These are great people. We want them to be safe and sound and secure, and we will be there every day until that happens," Trump said at a manufacturing event on Sept. 29.

Puerto Rico has struggled with the devastation from a particularly heavy hurricane season, one that included a direct hit from Hurricane Maria late last month that devastated large swaths of the island. The official death toll from the storm has risen to 45, CNN reported Wednesday, and at least 113 people are unaccounted for.

Reports of desperation are piling up, including from federal government officials. The Environmental Protection Agency on Wednesday warned Puerto Rican residents against breaking into industrial waste sites in search of drinking water. And The New York Times reported that medical care remains a challenge on the island, with just 43 of the island's 72 open hospitals currently operating with power.

Still, Trump has asserted that his administration's handling of the storm has been a great success, and he has rejected any criticism of the effort as "fake news."

Even as the president has continued to rail against the territory, Congress on Thursday moved forward on hurricane relief funds, which the White House has also advocated for.

The U.S. House passed a \$36.5 billion aid package, much of it targeted at Puerto Rico, by a vote of 353-69. The legislation marks the largest disaster package since the one provided for Hurricane Sandy victims in 2013.

The money would replenish the Federal Emergency Management Agency's coffers by roughly \$18 billion, which lawmakers say is enough to last for several more weeks. That includes \$4.9 billion in emergency loans to ensure the cash-strapped island government can pay its workers and other debts.

But GOP leaders have been clear that another installment of aid will be needed before the end of this year. Emergency responders from all federal agencies, from FEMA to the Defense Department, have been going quickly through their cash reserves in Puerto Rico's worst disaster in decades.

And Democrats are saying that Trump's rhetoric is not helping.

"The President of the United States' most solemn duty is to protect the safety and the security of the American people. By suggesting he might abdicate this responsibility for our fellow citizens in Puerto Rico, Mr. Trump has called into question his ability to lead," Velázquez said in a statement.

Sarah Ferris, Colin Wilhelm, Rachael Bade and Heather Caygle contributed to this report.

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Conservatives fret Perry's grid rule runs counter to market goals [Back](#)

By Darius Dixon | 10/12/2017 05:24 PM EDT

Energy Secretary Rick Perry hardened his position Thursday calling for changes to electricity

markets to support coal-fired power plants, even as a rising chorus of conservative voices accused him of abandoning the free market principles that have been a cornerstone of the Republican Party.

Testifying before a House Energy and Commerce subcommittee, Perry rejected the notion that power markets were fair, and he pointed to financial support that has been doled out to other energy sources for years.

"I don't think that you have this perfect free-market world," Perry told lawmakers. "We subsidize a lot of different energy sources. We subsidize wind energy. We subsidize ethanol. We subsidize solar. We subsidize oil and gas. The question is how do you make it as fair as you can?"

Perry's proposal, made public late last month, directed FERC to fast-track a new regulation in power markets overseen by the agency that would allow full cost recovery for power plants that keep 90 days' worth of fuel on-site, a threshold that would only include coal and nuclear power plants.

"We have subsidized the energy industry for a long time. I, frankly, don't have a problem with that," he said.

Perry's plan quickly drew opposition from the renewable energy industry and many power generators, as well as the oil and natural gas sector, which has been the biggest competitor for coal in recent years. Market advocates have also criticized Perry, saying that he has turned his back on the market mechanisms that have been at the heart of Republican economic policies — and that his home state of Texas implemented under former Gov. George W. Bush.

"This is inconsistent with a longstanding policy of fiscal responsibility and open markets that have always been espoused by what I thought of as the Republican Party. I'm not sure that we're in the same place today," said former Republican FERC commissioner Nora Mead Brownell. "This doesn't feel like draining the swamp to me. It feels like the swamp is expanding and oozing, and now is tinged with coal dust."

Perry's proposal "undoes 20 to 25 years of really hard work," she said.

Republican Rob Powelson, a new FERC commissioner, told a gathering of state regulators last week that he didn't "sign up to blow up the markets," according to S&P Global Market Intelligence. He later added in an email to POLITICO that the agency was "looking to address some of these market issues but not looking to [undo] the organized markets by picking winners and losers or creating moral hazards in the marketplace."

Critics contend that if FERC adopted Perry's proposal, the electricity markets that dictate prices for tens of millions of Americans from New Jersey to Illinois would be fundamentally altered to anchor coal and nuclear plants to the electric grid at great cost without a clear guarantee that they wouldn't lose power when the next natural disaster swings through.

But Perry has cast the issue as critical for ensuring the security of the country.

"What's the cost of freedom? What does it cost to build a system to keep America free?" Perry asked Rep. Paul Tonko (D-N.Y.), who had pressed him on whether DOE had considered how much his recent proposal to aid coal and nuclear power might cost consumers.

Coal is the nation's most abundant power-plant fuel, but a combination of environmental regulations, huge surges in natural gas and renewable-energy production and slumping demand for electricity have prompted power companies to shutter many coal-burning plants over the past decade. As recently as 2007, coal provided more than half the electric power sector's net electricity generation — but as of this summer, that share had fallen to less than a third.

Still, other members of the administration are still using free-market arguments to attack former President Barack Obama's climate change policies. At a Monday event in Kentucky's coal country with Senate Majority Leader Mitch McConnell, EPA chief Scott Pruitt stuck to complaints Republicans have long used to bash the Obama EPA's Clean Power Plan, decrying it as something that "really was about picking winners and losers."

But for many conservatives, it's hard to savor the victory of dismantling Obama's Clean Power Plan when the Trump administration is standing up a new government intervention.

"It certainly came out of left field for me," Nick Loris, an energy and environment fellow for The Heritage Foundation, said of Perry's proposal. "When I think about what 'all of the above' energy looks like, it shouldn't mean subsidize all of the above. And this DOE regulation is pushing us down that pathway, and not to limited government."

Loris was also unhappy with DOE's recent decision to increase federal loan guarantees for over-budget Vogtle nuclear reactors in Georgia by \$3.7 billion.

"For an administration that is intent on wanting to drain the swamp, this is certainly not helping," Loris said.

Perry, who President Donald Trump has pressed to keep Ohio coal-fired power plants open, has said he was interested in a "conversation" about how to increase the resilience of the grid, but he emphasized on Thursday it was imperative that FERC take quick action.

"We can have a conversation and I think [FERC] must move. I think they must act. We've kicked this can down the road," he told lawmakers.

But some conservatives say even though U.S. energy markets are far from perfect, Perry's approach is the wrong one.

"There is no free market, but you don't fight intervention with intervention," said Tom Pyle, president of the pro-market Institute for Energy Research who led Trump's DOE transition team. "He's recognized the symptoms but he's not proposing the right cure."

Other critics pointed to the irony of a Texan seeking to undermine the power markets, since the

Lone Star state runs perhaps the most free-wheeling electricity system in the country.

"If you've just joined the conversation today, I think you'd be knocked over by the irony of a Republican — indeed a Texas Republican — advocating for getting in the way of market competition and directly imposing a winner-picking outcome," said Joe Goffman, a senior EPA air adviser under Obama.

"To say that there's no free market in electricity is so beside the point as to border on the disingenuous," he added. "Nobody's arguing that there's a free market. What people are arguing for is an unrigged market."

Even other conservatives find Perry's position particularly awkward.

"There's no free market for electricity, but the one example you could find that might actually call that into question is the state of Texas," said Travis Kavulla, a Republican who is a vice chairman of Montana's utility regulator. "It's certainly dissonant with both his reputation, but also the policies of his state, which is really unique among the states and has an extremely vibrant and competitive wholesale and retail market for electricity."

Perry had the power to fast-track the issue but the proposal's fate decision will ultimately fall to five commissioners at FERC, an agency made up largely of technocrats that has long sought to safeguard the energy markets. But a DOE official said that the proposal was not shared with federal regulators before it was filed but also emphasized that DOE expects — and is almost counting on — FERC to make major changes to the proposal.

"It is impossible to actually foresee this being implemented as-written," Kavulla said. "It's inconceivable that FERC would adopt this. In some ways, this is just DOE lighting a firecracker and throwing it in FERC's direction and saying, 'These coal people have really been on our case. Do something about it!'"

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Trump eyes climate skeptic for key White House environmental post [Back](#)

By Alex Guillén and Andrew Restuccia | 04/12/2017 06:00 PM EDT

President Donald Trump may tap a vocal critic of climate change science to serve as the highest-ranking environmental official in the White House.

Kathleen Hartnett White, who says carbon emissions are harmless and should not be regulated, is a top contender to run the Council on Environmental Quality, the White House's in-house environmental policy shop, sources close to the administration told POLITICO.

White House officials brought White in for an interview late last month, according to a person familiar with the hiring process, and Trump met with White at Trump Tower in November when she was under consideration to lead the Environmental Protection Agency.

Adding White to the administration would be a major win for Steve Bannon, Trump's chief strategist, and other hard-line conservatives in the White House, who have been feuding behind the scenes for weeks with the more moderate forces in the West Wing over issues like climate change. And her nomination could appease Trump's climate skeptic supporters, who have criticized EPA Administrator Scott Pruitt for hesitating to revisit his agency's conclusion that global warming threatens public health.

Trump administration officials are divided over whether White is the best person for the job, and they are also considering other candidates to lead CEQ, sources said. A White House spokeswoman declined to comment, saying, "We will let you know when we have an announcement."

Like Pruitt, the former Oklahoma attorney general and fossil fuel ally, White would be another voice from a large oil and gas producing state in charge of climate change and environmental policy.

White is a former chairwoman of the Texas Commission on Environmental Quality who now works for a conservative think tank in the Lone Star State. Energy Secretary Rick Perry, a former Texas governor, is said to be advocating on White's candidacy behind the scenes.

Tapping White would only deepen environmentalists' fears that the new administration will implement a wholesale reversal of former President Barack Obama's approach to climate change as a serious, long-term threat to the environment and national security.

White sat on Trump's economic advisory council during his campaign and since 2008 has worked at the Austin-based conservative think tank Texas Public Policy Foundation, which has received funding from Koch Industries, ExxonMobil, Chevron, ConocoPhillips, Devon Energy and other energy companies and utilities. White, who was a registered lobbyist with the group until Nov. 29, has long been a major voice in the niche industry of public figures who question climate science data or downplay the risks of global warming.

"Carbon dioxide is not a pollutant, and carbon is certainly not a poison. Carbon is the chemical basis of all life on earth. Our bones and blood are made out of carbon," White wrote in a June op-ed. She added that CO₂ is the "gas of life" because it is a nutrient used by plants — an argument frequently raised by climate skeptics that most scientists say distracts from the climate-changing components of the gas.

White's position contrasts sharply with established climate science. In its most recent comprehensive report, the United Nations' Intergovernmental Panel on Climate Change, the leading scientific body on global warming, concluded that the Earth is warming because of human-generated emissions — and that time is running short to stave off the worst risks of climate change, including increased temperatures, more extreme weather, sea level rise and

ocean acidification.

Similar findings have been reached by U.S. authorities, including EPA, NASA and NOAA — all agencies that would be subject to guidance White would issue as CEQ chair, if she were confirmed by the Senate.

In an interview with POLITICO in September, White proposed establishing a "blue ribbon commission" to relitigate climate science, underscoring her unorthodox belief that the science showing human-induced climate change is unsettled.

The commission, she said, would develop an "alternative scientific methodology" to the IPCC, whose usefulness she said has "reached its peak."

If nominated, White would likely be an advocate within the administration of reopening the foundation of Obama's climate change agenda: EPA's 2009 "endangerment finding," a scientific conclusion that greenhouse gases constitute a threat to public health or welfare.

Trump told an industry-backed think tank last year that he will "review" the endangerment finding, a potentially difficult task given the scientific consensus on the issue. Any withdrawal of the finding would be challenged by environmentalists in court.

Pruitt has so far declined to reopen the endangerment finding, a decision that has infuriated some of Trump's conservative supporters.

White would be able to play a key role in shaping the Trump administration's overall approach to climate change, and she has been clear that she does not think the issue should be addressed by EPA. In 2015, she argued that Obama's rules to limit carbon emissions from power plants marked "an unprecedented expansion of federal administrative power" with "no measurable climate benefits." And last May, she urged House Speaker Paul Ryan to pass a bill that would block EPA from regulating carbon dioxide, methane, hydrofluorocarbons or other greenhouse gases.

At CEQ, White could direct other agencies to turn their attention away from climate change, and she would be in charge of implementing recent executive orders on energy development and regulatory streamlining. Last month, Trump ordered the council to revoke recently issued guidance directing all federal agencies to consider climate change when they conduct environmental reviews under the National Environmental Policy Act, a decision that would be difficult to challenge in court. And in January, the president told CEQ to come up with a plan to expedite environmental reviews for major infrastructure projects.

While environmentalists have long accused GOP officials of dragging their feet on climate change, White is by far the most outspoken critic of the underlying science — and the most ardent defender of fossil fuels — that Trump has considered to serve in his administration.

In a 2014 blog post, White took aim at an article in The Nation by MSNBC host Chris Hayes, whose "recommendation to avert global warming, like most warmist policies, toys with the

greatest advance made by mankind," she wrote. In White's view, there is a connection between "the abolition of slavery and humanity's first widespread use of energy from fossil fuels." The rise of coal and oil, she argued, provided economic incentive to end the practice of slavery in the U.S. and elsewhere. (One critic fired back that the industrial revolution actually "exacerbated" slavery by increasing the demands for slave-produced goods such as cotton.)

Putting a permanent CEQ chair in place would also raise the question of where Trump wants decision-making on environmental issues to happen — in the White House or at agencies.

The Obama administration shifted major environmental responsibilities from CEQ to EPA and some other agencies as it sought aggressive action on climate change. It remains unclear whether Trump's CEQ will continue in that vein or have a greater role in policymaking, though outside Republicans have encouraged Trump aides to grant the council wide latitude.

The council was run from 2015 through the end of Obama's term by Christy Goldfuss, an unconfirmed managing director. Obama never nominated a replacement for his first CEQ chair, Nancy Sutley, who left in 2014.

White's criticisms of Obama environmental regulations go beyond climate change.

She said in 2015 that EPA's Waters of the U.S. rule, which determines which bodies of water are subject to federal oversight, "is about amending the definitions of well understood words into tortured versions of themselves so that the EPA can seize control of dry land where water may flow after heavy rains."

She also criticized the new ozone standard of 70 parts per billion, calling the rule's scientific conclusions "a statistical house of cards" and predicting it "may be the straw that breaks the back of our struggling economy."

White, who received her bachelor's and master's degrees from Stanford University, was a commissioner at the Texas Commission on Environmental Quality from 2001 to 2007, serving as chairman for the last four years of that term. She previously sat on the Texas Water Development Board.

Environmentalists do give White some credit for advances made during her tenure at TCEQ.

Luke Metzger, director of Environment Texas, told POLITICO that she helped implement a legislative order to create an online reporting system for major emissions events, which is still used by green activists to track noncompliance by major energy companies. Metzger also credited her with a "slightly improved" enforcement policy, though he noted that she blocked an effort by a fellow TCEQ commissioner in 2006 to boost penalties.

In 2008, White joined the Texas Public Policy Foundation, where she directs its Armstrong Center for Energy & the Environment.

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Trump's pick for NOAA chief causes a storm [Back](#)

By Andrew Restuccia | 10/12/2017 07:52 PM EDT

As a top executive at AccuWeather, Barry Myers has pushed for limits on the kinds of products that the National Weather Service offers to the public, saying they offered unfair competition to his industry.

Now, President Donald Trump's nomination of Myers to lead the weather service's parent agency could allow him to make those kinds of restrictions mandatory — to the benefit of his family-run forecasting company.

The AccuWeather CEO's nomination to head the National Oceanic and Atmospheric Administration is stirring criticism from people who worry he would hobble the weather service, which provoked an industry backlash more than a decade ago by making hour-by-hour forecasts, cellphone alerts and other consumer-friendly data widely available online. A [bill](#) that Myers supported 12 years ago, sponsored by then-Sen. Rick Santorum, would have prohibited the agency from competing with private providers in most circumstances.

Myers, who has served as a NOAA adviser, has more recently [spoken of cooperation](#) with the agency, including industry's advocacy for Congress to fund its budget. But his critics expressed misgivings nonetheless.

"I fear that he'll do irreparable harm to an agency whose primary mission is to save lives," said Daniel Sobien, the president of the National Weather Service Employees Organization, which strongly opposes Myers' nomination. "There seems to be a huge conflict of interest considering his business background and belief system."

Sen. [Brian Schatz](#) (D-Hawaii) agreed, calling Myers a "questionable" choice.

"As the CEO of AccuWeather, Barry Myers views NOAA as a direct competitor that provides high-quality forecasts for free," Schatz said in a statement Thursday. He added that "Mr. Myers will have to work very hard to persuade me that he will run NOAA for the public good."

Myers' defenders say they hope he'll use his long experience running a major weather enterprise to modernize NOAA, which also oversees fisheries, marine sanctuaries, endangered species, climate research, satellite data and its own [uniformed officer corps](#).

"In past decade, AccuWeather has embraced 'Big Data' and become an advertising & digital innovation behemoth under Myers' leadership," wrote Ryan Maue, the chief operations officer at the website Weather.us, in a [post](#) on Twitter. Maue separately told POLITICO: "I expect Myers to bring that same vision to NOAA and enhance collaboration with the private sector especially

in the role of space-based remote sensing and satellites."

Myers did not return a call to his office Thursday, and a lobbyist who works with AccuWeather did not respond to emails seeking comment.

Myers, whose brother Joel founded AccuWeather in 1962, would join a roster of other business leaders whom Trump has installed atop his agencies — many of them bringing considerable potential conflicts of interest to the job. He has degrees in law and business, not the science and math degrees that Bush's and President Barack Obama's NOAA chiefs had.

Richard Painter, who served as the top ethics official for President George W. Bush, said Myers can probably meet the legal requirements to separate himself from his business. But, he added: "The appearances are awful. He should recuse from any matter that could have a financial impact on the company. And he should sell the stock."

Myers indeed "will be liquidating all of his private sector holdings," said a spokesman for NOAA's parent agency, the Commerce Department, adding that he'll "be subject to the same ethics and recusal requirements as any federal official."

The spokesman also rejected suggestions that Myers would clamp down on the weather service's public offerings. He said Commerce Secretary Wilbur Ross, who chose Myers for the job, "sees the provision of timely, accurate data to the public as one of the Department's core missions. This includes weather data provided by the NWS, so there is no risk that Myers will restrict NWS provision of data to the public."

"Myers has also been a strong proponent of free and open weather data to the public," the spokesman added.

But in 2005, Myers supported Santorum's widely panned bill, which would have prohibited the weather service from offering a product or service "that is or could be provided by the private sector" — a provision that would have benefited companies like AccuWeather.

The bill made some exceptions, including information needed to protect life and property, but weather entrepreneurs, hobbyists, airline pilots and open-government advocates said it would have choked off a wealth of data that the National Weather Service had begun making widely available. The legislation would have countered a 2004 policy change by the Bush administration that had eased restrictions on the weather service's ability to offer new products and services.

"It is not an easy prospect for a business to attract advertisers, subscribers, or investors when the government is providing similar products and services for free," Santorum said when introducing his bill. Critics, including Sen. Bill Nelson (D-Fla.), noted that taxpayers had already paid for the weather service's data.

Myers told The Palm Beach Post at the time that he wanted the weather service to return to its "core mission ... which is protecting other people's lives and property," rather than spending

"hundreds of millions of dollars a year, every day, producing forecasts of 'warm and sunny.'"

"We work hard every day competing with other companies and we also have to compete with the government," he told ABC News a month later.

Myers had donated \$1,000 to Santorum's Senate campaign in 2004 and 2005, though the executive also has a track record of donating to both Democratic and Republican politicians, including Trump, Hillary Clinton and Mitt Romney. Santorum and Myers are both prominent alumni of Penn State University, and AccuWeather is based near the school's main campus in State College, Pa.

Santorum's bill went nowhere, however — an outcome that Maue said turned out to be "the best thing that could have happened for Accuweather as they were on the ground floor of the digital/smart phone App revolution for weather apps."

More recently, Myers testified to the House Science Committee last year about the need for "embracing free and open data in all situations," while maintaining that "the best public facing forecasts and information comes from the weather industry." Still, he said government, industry and academia each bring their own strengths to the relationship, adding that "NWS need not do everything to keep Americans safe. Others can share the load."

Myers estimated that cooperation among the federal government, the private weather industry and academic researchers had saved 1 million to 2 million lives since the late 1950s.

But Sobien, the union chief, expressed skepticism about the kind of partnership Myers envisions.

"In the past, he has supported proposals that essentially made it so the National Weather Service's only function was to provide data to companies like AccuWeather who would then repackage that data and sell them," Sobien said.

AccuWeather, which says its forecasts appear on more than 200 major television stations, 900 radio stations and 180,000 websites, has also been aggressive over the years in criticizing the weather service for what it sees as its shortcomings. Among other incidents, the company complained that the weather service had underestimated the strength of Hurricane Claudette before it hit Texas in 2003, and it said the federal agency was late to issue warnings about a 2015 tornado in Oklahoma.

As recently as February, AccuWeather's website highlighted an incident in which some of NOAA's weather data suffered a "significant outage," while noting that "AccuWeather-produced services remained available and reliable."

AccuWeather's sharp-elbowed approach also extends to competition with its rival The Weather Channel, which it replaced two years ago on Verizon's FiOS television lineup. AccuWeather's website has also inspired eye-rolling among some in the weather community by offering 90-day forecasts, which one meteorologist blogging for the American Geophysical Union dismissed as "scientifically indefensible" and "even worse than the Farmer's Almanac."

Members of the small community of weather watchers, who never forgot AccuWeather's support for Santorum's bill, contend it will be nearly impossible for Myers to fully eliminate his conflicts of interest.

Myers' brother Joel still serves as the company's president and chairman of the board. Their brother Evan is the chief operating officer.

"His family owns the business and he knows the decisions he makes are going to affect the business for years and potentially decades to come," said Andrew Rosenberg, director of the Union of Concerned Scientists' Center for Science and Democracy. He added, "My biggest concern is not that somebody has a business background, but do they genuinely recognize that a job in government is a fundamentally different one from managing and running a private business for profit."

Others are reserving judgment.

David Titley, a former NOAA official during the Obama administration, said he prefers not to comment on personnel decisions. "We will all have to wait & see in what direction Barry wants to take NOAA," he said in an email.

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Dems move to shield whistleblowers who report pricey travel [Back](#)

By Kyle Cheney | 10/12/2017 03:08 PM EDT

House Democrats on Thursday sought to expand whistleblower protections for federal workers who call out superiors for "improper use of air transportation," following the mounting questions about Trump administration officials' use of expensive forms of travel.

Lawmakers offered the proposal as part of a debate over broader whistleblower protection. It was rejected by Republicans, as expected, but forced GOP lawmakers to vote on an issue that has drawn increasing scrutiny, as several Trump Cabinet members have faced criticism for regular use of chartered or military jets.

Health and Human Services Secretary Tom Price resigned last month after a POLITICO investigation revealed he took hundreds of thousands of dollars' worth of chartered flights, sometimes to go short distances. And other Cabinet members — including Treasury Secretary Steve Mnuchin and Interior Secretary Ryan Zinke — have faced questions about expensive travel at taxpayer expense.

A bill under consideration — the Chris Kirkpatrick Whistleblower Protection Act — would

prohibit federal employees from accessing medical records of job applicants or subordinates and includes punishment for supervisors who retaliate against whistleblowers. The bill also offers more training to supervisors about whistleblower protections.

Democrats offered their proposal as a "motion to recommit," which would have sent the bill back to the House Committee on Oversight and Government Reform to be changed to include their proposed amendment.

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Ohio River jam highlights absence of Trump's infrastructure plan [Back](#)

By Eric Wolff and Tanya Snyder | 10/12/2017 06:59 PM EDT

Shipments of coal and grain are paralyzed at a critical chokepoint on the Ohio River due to dilapidated infrastructure, highlighting the need for the kind of major capital investment that President Donald Trump promised, in a speech along the banks of the same river, three months ago.

Lock 52 on the Ohio River in southern Illinois closed Oct. 9 because its infrastructure is too decrepit to function effectively in high water, and it could be several more days before the U.S. Army Corps of Engineers reopens it. The closure has created a 57-mile backup of 51 towboats and 564 barges waiting to pass, according to the Waterways Council, an advocacy group for water infrastructure.

Trump visited this key inland waterway in June, emphasizing the importance of waterways and promising investment. But Trump's fiscal 2018 budget proposal called for cuts to civil works spending. And his campaign promise of \$1 trillion for infrastructure is so far unrealized, even as the New Deal-era locks and dams on the Ohio River degrade and unscheduled delays balloon.

That's left commodities producers, who depend on waterways for bulk transportation, in the lurch. In 2015, companies shipped 575 million tons of commodities worth \$302 billion via waterways. Of that total, coal makes up the largest single industry at 23 percent, with grains following at 15 percent.

Waterways infrastructure, much of which was built in the 1920s and 1930s and some as part of President Franklin Roosevelt's public works programs, is long past its expected lifespan. The Waterways Council says unscheduled delays have grown by 700 percent over the last decade. The closure of a single lock on the Mississippi River during harvest season could cost \$933 million, according to a University of Tennessee [study](#).

Carol Labashosky, a spokeswoman for the Louisville district of the Army Corps of Engineers, said having to close Lock 52 isn't unique historically, but there have been frequent intermittent

closures at this lock as well as another one downriver throughout September and October. "This fall we've had quite a few closures," Labashosky said. "Some of them have only been a couple of days or one day, but this is a lengthy delay."

Labashosky said they'll reopen the lock "as soon as the river cooperates," which she estimated would happen Friday or Saturday. Others are betting on Oct. 15 or 16.

Industries reliant on waterways are looking to Trump's promises of infrastructure investment to help modernize and update the locks and dams. The Waterways Council agrees. Deb Calhoun, a spokeswoman for the group, said they want to "hold the administration's feet to the fire."

"The president said we need to fix it," she said.

In June, Trump spoke on the banks of the Ohio River, in front of a barge filled with West Virginia coal, to proclaim that "America must have the best, fastest and most reliable infrastructure anywhere in the world." Noting the "dilapidated system of locks and dams that are more than half a century old" and the "\$8.7 billion maintenance backlog that is only getting bigger and getting worse," Trump declared: "We cannot accept these conditions any longer."

But in May the administration released a fiscal 2018 budget that proposed to cut the Corps' civil works budget by about 17 percent. The amount proposed would fund only a small number of the 25 congressionally authorized priority projects, which have a combined portfolio value of \$8.8 billion.

Calhoun said they are "trying to move forward and not stop and go backwards," and observed that the budget came out when Trump was "pretty new on the job."

Trump's budget did address the urgent bottleneck at Locks and Dams 52 and 53. Though it proposed to shut down work on four ongoing Corps waterways projects, it requested \$26 million out of the Inland Waterways Trust Fund for the Olmsted Locks and Dam project, which was supposed to solve the problems at Locks and Dams 52 and 53 years ago, but has been mired in delays due to a misguided attempt at a new dam-building method.

The Olmsted project, authorized in 1988, was supposed to be finished in 10 years for \$775 million. The Corps claims it will be done next summer, nearly 30 years later — with a final cost close to \$3 billion.

For the remainder of the 25 projects Congress wants to see built, industries are waiting on the infrastructure package Trump promised during the campaign.

Trump himself hasn't spoken much about his infrastructure package since proposing that \$1 trillion in spending could be leveraged by \$200 billion from the federal government. In fact, he has since indicated he may be souring on public-private partnerships, which administration officials and Republican lawmakers had long said would fund 80 percent of the plan. The battle over health care has pushed back the promised tax overhaul, which is not expected to be quick business either. The fall timeline for Congress to craft a legislative infrastructure package has

slipped away, and no one knows to when.

Ohio-based coal producer Murray Energy depends on inland waterways to move its product, and is calling for more spending.

"We certainly support President Trump's commitment to rebuild America's infrastructure, particularly the locks and dams along the Ohio, Monongahela and Mississippi Rivers," spokesman Gary Broadbent told POLITICO.

Even if the Olmsted Locks and Dam opens on time next summer, the project won't be finished until 2022, when the existing Lock 52 and 53 are finally pulled out of the river.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 10/5/2017 6:57:16 PM
Subject: Utility exec picked to run EPA Region 8

By Alex Guillén

10/05/2017 02:52 PM EDT

EPA has picked an Xcel Energy executive to run the Region 8 office, which oversees Colorado, Utah, Wyoming, Montana and North and South Dakota.

Doug Benevento has been at Xcel since 2010, for most of that time as vice president of public affairs, according to his [LinkedIn profile](#). He previously was an attorney at the law firm Greenberg Traurig, executive director of the Colorado Department of Public Health and Environment, and an aide to former Sen. Wayne Allard (R-Co.).

He also served six years as an elected member of the Douglas County school board, and in 2013 was one beneficiary of a major push by the Koch brothers-connected Americans for Prosperity to get conservative voices elected to that board, as POLITICO [reported](#) at the time. Benevento [resigned](#) last year, [writing](#) that his "priorities have been largely accomplished."

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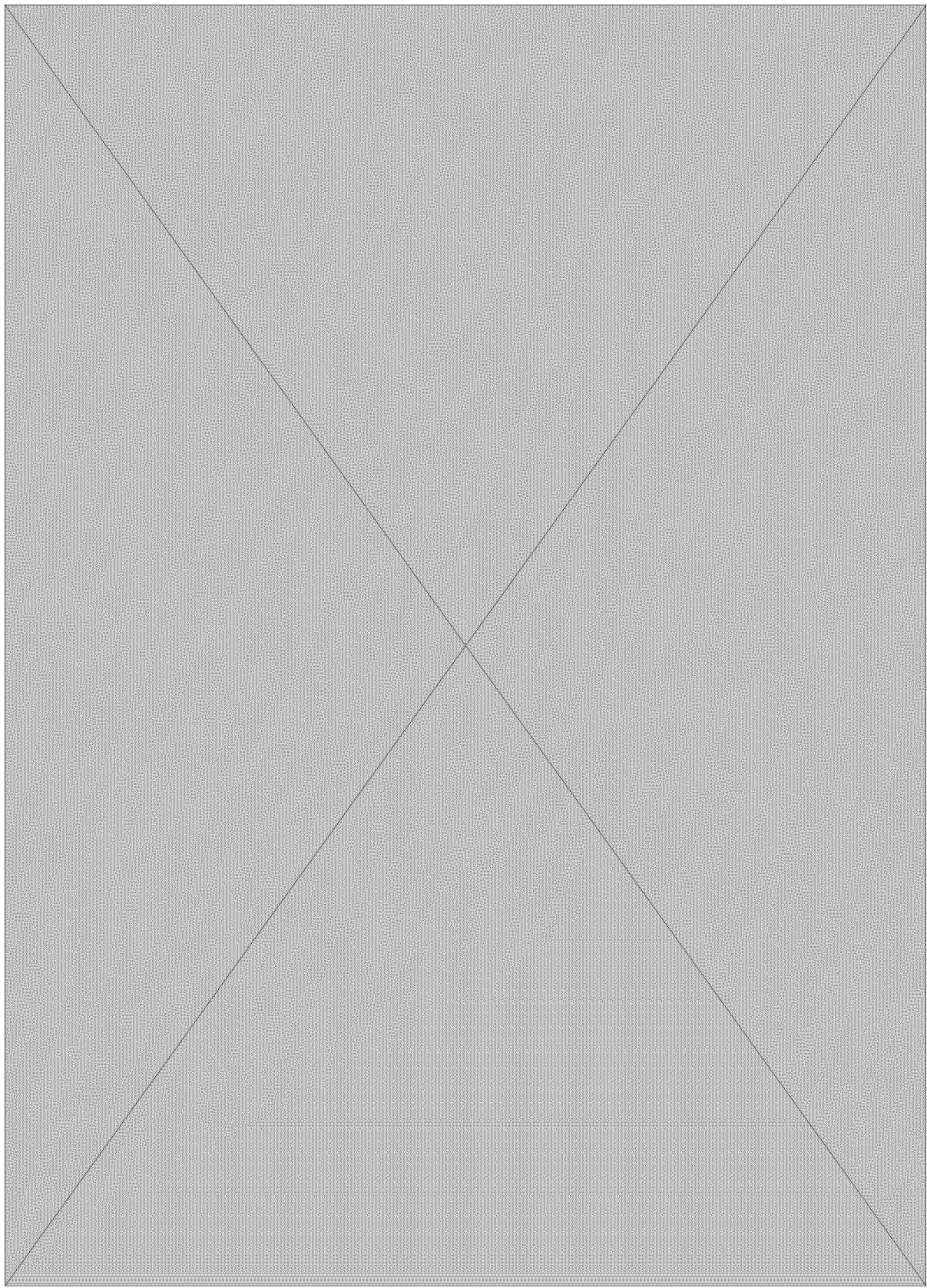
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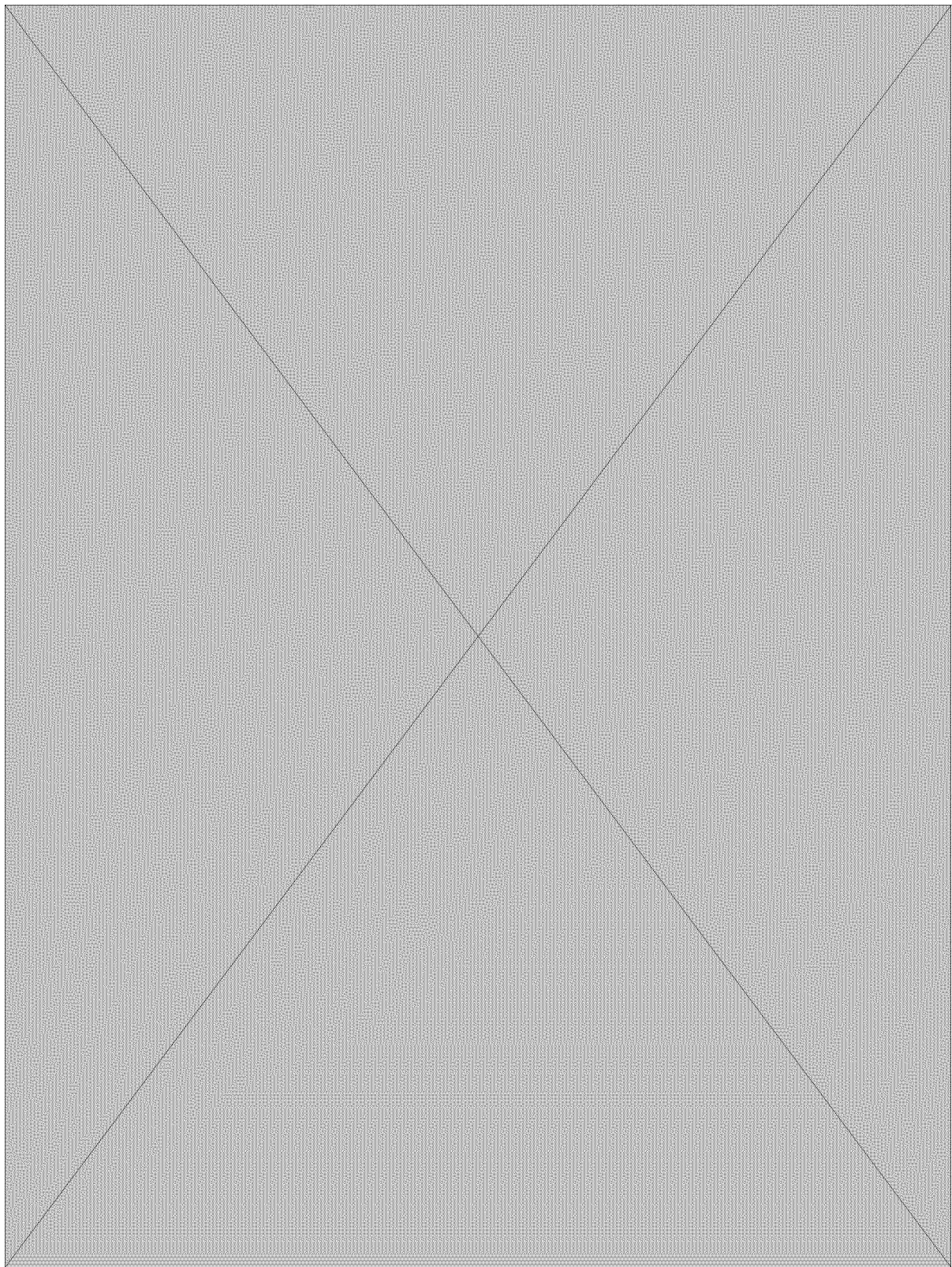
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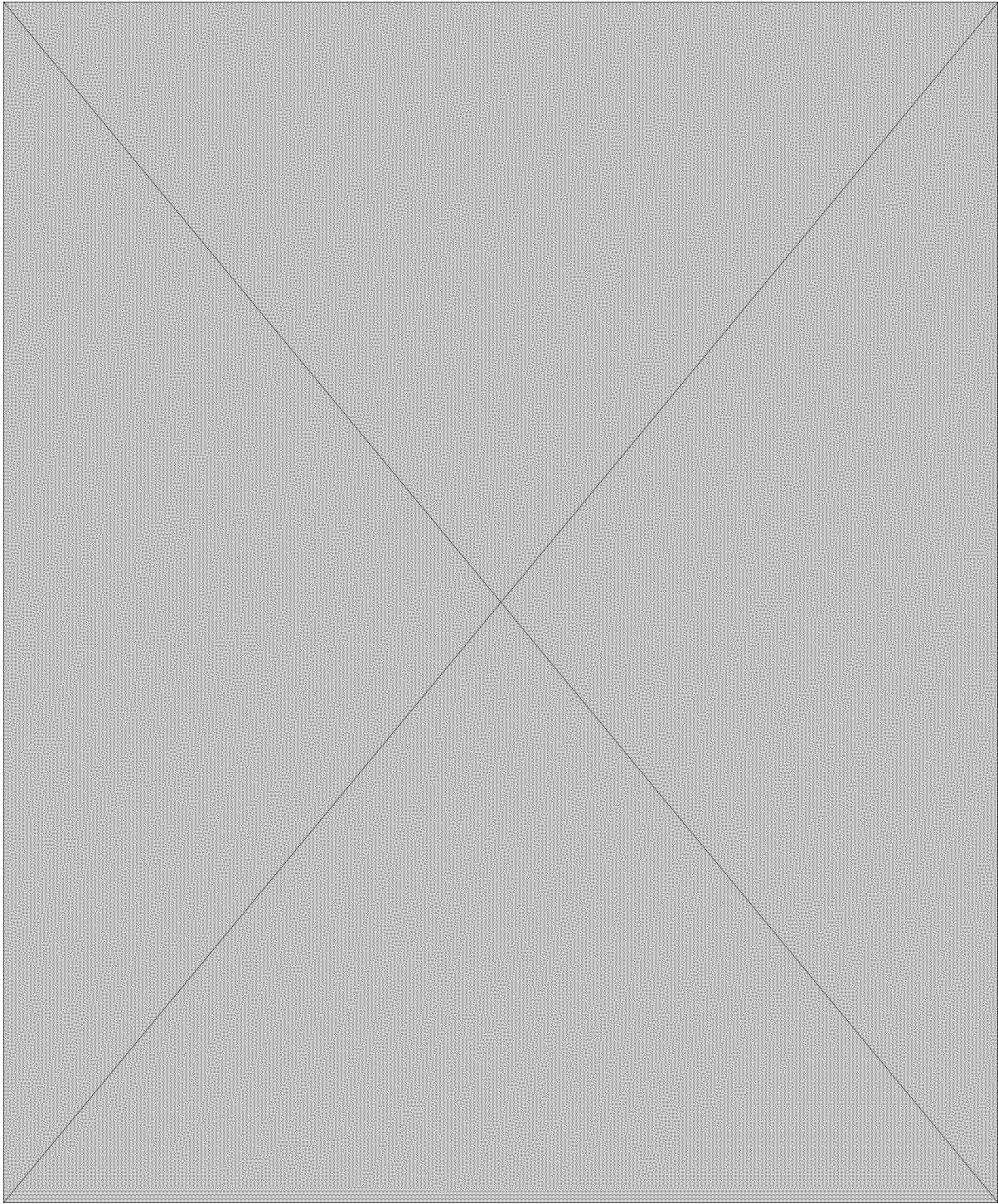
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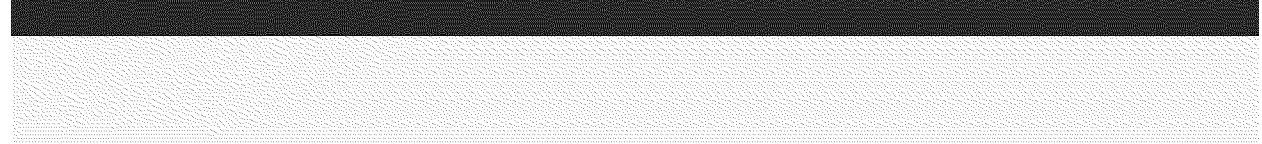


Morning Consult, on behalf of the U.S. Chamber Technology Engagement Center, conducted an online survey of 1,992 registered voters from September 29- October 01, 2017. Results from the full survey have a margin of error of +/- 2%.

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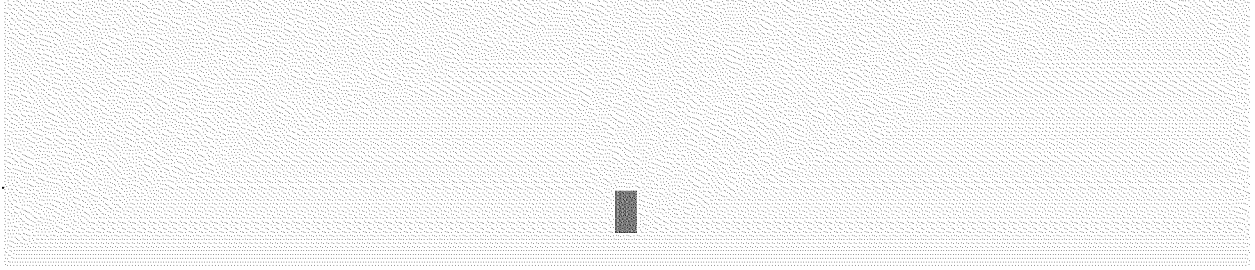
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 12/5/2017 3:40:49 PM
Subject: New York Times suing EPA for Pruitt schedules

By Emily Holden

12/05/2017 10:39 AM EDT

The New York Times is suing EPA to try to force the agency to regularly release Administrator Scott Pruitt's full daily schedule and details on who he meets with.

In a [lawsuit](#) filed Monday in the U.S. District Court for D.C., the Times and Washington-based reporter Eric Lipton allege EPA is violating public records laws by failing to routinely release those records.

Since joining EPA, Pruitt has met with automobile, chemical, fossil fuel and steel executives, and with lobbyists who worked with him when he was Oklahoma Attorney General to challenge federal environmental rules, according to records released in response to an earlier Freedom of Information Act request from the nonprofit group American Oversight. The Times says FOIA requires EPA to release that level of information for other Pruitt meetings, and to regularly respond to requests for updated copies of Pruitt's schedule.

EPA chiefs under previous presidents have routinely released detailed calendars in response to regular records requests from reporters and public interest groups. Pruitt's EPA has been intermittently updating a [vague list](#) of appointments, which the lawsuit called insufficient.

"Agency heads' daily schedules have long provided a valuable way for the public to be knowledgeable about important agency decisions, including those that affect the health and safety of their families and themselves," the suit says. "When the public knows who has the ear of an agency head and for how long, and what interests they represent, the public is better equipped to ensure that agencies remain accountable and free from undue and undisclosed influence."

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<https://www.politicopro.com/energy/whiteboard/2017/12/new-york-times-suing-epa-for-pruitt-schedules-196727>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Thur 11/30/2017 5:00:11 PM
Subject: EPA Plans \$22.6 Million Cleanup For Contaminated East Chicago Industrial Land

The U.S. Environmental Protection Agency on Wednesday announced a \$22.6 million plan to clean up former DuPont industrial land in East Chicago.

THE CHICAGO TRIBUNE

EPA Plans \$22.6 Million Cleanup For Contaminated East Chicago Industrial Land

The Chicago Tribune
November 29, 2017
Craig Lyons

<http://www.chicagotribune.com/suburbs/post-tribune/news/ct-ptb-east-chicago-epa-dupont-cleanup-plan-st-1130-20171129-story.html>

The U.S. Environmental Protection Agency on Wednesday announced a \$22.6 million plan to clean up former DuPont industrial land in East Chicago.

The EPA said the 440-acre DuPont facility, at 5215 Kennedy Ave., will focus on removing contaminated material from a solid waste landfill, open or filled land and other industrial property at the site and treating ground water.

The EPA said the industrial land and water is contaminated with arsenic, lead, zinc and cadmium.

The EPA is collecting public comments on the proposed plans until Jan. 26, according to a news release, and will hold a public hearing Jan. 10.

"The proposed cleanup at the former DuPont site further demonstrates EPA's commitment to finding solutions to protect the health and safety of East Chicago residents," EPA Administrator Scott Pruitt said, in a statement.

The EPA's tentative plans will remove 61,000 cubic yards of contaminated soil; treat groundwater and take steps to prevent it from leaving the site; fence the site and ensure compliance with industrial zoning requirements, and health and safety rules for digging; and receive financial assurances from the site owner, according to a release.

The cleanup is proposed under the authority of the Resource Conservation and Recovery Act program.

The proposed work at the DuPont site is separate from the EPA's work at the nearby U.S.S. Lead Superfund site.

During the fall, the EPA started a groundwater study for the southern portion on Zone 3, which abuts the DuPont facility the federal agency Wednesday announced plans to clean up.

The EPA went door-to-door in the eastern portion of the Calumet neighborhood to talk with residents about basement flooding issues and potential exposure to groundwater in the area.

The push to establish groundwater exposure is part of an EPA evaluation whether additional contamination is reaching residents.

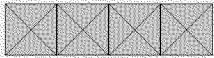
Work to remediate residents' property throughout the Calumet neighborhood is continuing, according to the EPA, and contractors have removed contaminated soil from more than 200 homes since work started in 2016.

During the 2017 construction season, the EPA remediated yards at 109 homes in Zone 2 of the Superfund site, which runs from McCook Avenue to East Huish Drive, according to the EPA, and 120 in Zone 3, which runs from East Huish Drive to Parrish Avenue.

Alternatives on how to remediate the land at the shuttered West Calumet Housing Complex are being reviewed, according to the EPA, and that work will start when demolition of the buildings and other structures is complete.

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From: EPA Press Office
Sent: Thur 10/26/2017 10:50:01 AM
Subject: EPA's Pruitt Denies He's an Ally of Polluters, Vows to Get Tough

BLOOMBERG

EPA's Pruitt Denies He's an Ally of Polluters, Vows to Get Tough

Jennifer A Dlouhy and Jennifer Jacobs

Bloomberg

October 25, 2017

<https://www.bloomberg.com/news/articles/2017-10-25/epa-s-pruitt-denies-he-s-an-ally-of-polluters-vows-to-get-tough>

Scott Pruitt, the head of the Environmental Protection Agency, vowed that he will get tough on corporate polluters, dismissing critics who cast him as too cozy with industry.

"They don't know me," Pruitt said, during an interview with Bloomberg News in his Washington office. "I've led a grand jury. We are going to do enforcement, to go after bad actors and go after polluters."

Pruitt, the former Oklahoma attorney general, is leading the efforts to roll back Obama-era environmental regulations, including the first limits on carbon dioxide emissions from power plants and an overhaul of clean-water rules. Despite moving to rescind those measures, those that remain in place will be fully enforced, he said.

"I know what it means to prosecute people," he said. "And we've got some of those folks across the country -- those people that are intentionally taking steps to pollute our water, to pollute our air."

While coal miners, manufacturers and oil companies have praised Pruitt's efforts to halt or rescind regulations, environmental advocates say he's the leading example of a Trump administration appointee who has an agenda that conflicts with the very nature of the agency he leads.

Under former President Barack Obama, the EPA played a pivotal role in the government's fight against climate change, proposing sweeping rules to limit on methane leaks from oil wells and carbon-dioxide emissions from coal plants. Pruitt, who sued the EPA more than a dozen time to challenge those and other regulations, by contrast, is pursuing what he calls a "back to basics" agenda that he says will prioritize action on traditional pollutants.

...

Pruitt highlighted the EPA's decision earlier this month to approve a plan for removing toxins from the San Jacinto Waste Pits, a Superfund site near Houston that began leaking cancer-causing dioxin after flooding from Hurricane Harvey.

That included ordering two companies -- International Paper Co. and a subsidiary of Waste Management Inc. -- to pay an estimated \$115 million toward excavating more than 212,000 cubic

yards of contaminated waste from the site. Both companies have objected to the cleanup plan.

"And they are already barking down there," Pruitt said, referencing those companies' complaints. Pruitt said he was told some people would be "surprised" he would seek to hold Fortune 500 companies accountable.

Another example: In June, the Trump administration filed a lawsuit alleging that a Colorado-based oil company repeatedly violated clean air rules by allowing volatile organic compounds to escape from of storage-tank batteries. According to the complaint filed in that civil case, the EPA alleged that PDC Energy Inc. failed to adequately design, operate and maintain control systems on those tanks., resulting in those leaks. That case is ongoing.

"I am here because I really feel called to it," Pruitt said. "My desire each day is to bless the president and the decisions he's making."

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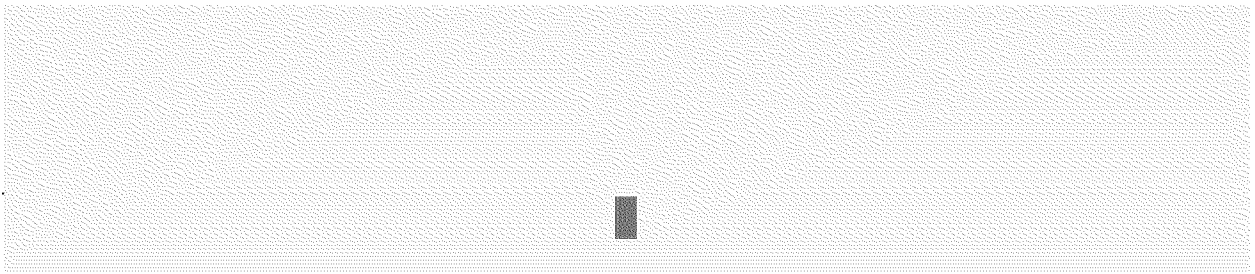
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Thur 10/5/2017 5:55:25 PM
Subject: EPA Announces Appointment of Doug Benevento to Region 8 Administrator

CONTACT: press@epa.gov

EPA Appoints Doug Benevento As Region 8 Administrator

WASHINGTON (October 5, 2017) –Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt announced the appointment of Doug Benevento of Colorado to become regional administrator for Region 8. Mr. Benevento will oversee environmental protection efforts in Colorado, Utah, Wyoming, South Dakota, North Dakota and Montana.

Doug Benevento has spent much of his career working to help protect the environment. As executive director for the Colorado Department of Public Health and Environment, he managed the state's environmental and public health programs. He previously served as the Department's director of environmental programs, where he managed the state's air, water, waste, and consumer protection programs. Since 2010, Mr. Benevento has been working on energy and environmental issues in the private sector at Xcel Energy.

"Doug Benevento's personal connection to the Rocky Mountain state and experience working with environmental leaders across the region will greatly benefit the Agency's mission in protecting the environment in Region 8," **said Administrator Pruitt.**

His nomination is receiving high accolades from across the region:

U.S. Senator Cory Gardner: "Doug Benevento is a great choice to serve as EPA Region 8 Administrator and has the requisite experience as the former Executive Director of the Colorado Department of Public Health and Environment. I look forward to working with Doug to make the communities whole in Southwest Colorado that were impacted by the EPA-born Gold King Mine spill, ensuring the expeditious cleanup of Colorado's Superfund sites remain a top priority for the EPA, and protecting Colorado's environment across all four corners of the state."

Colorado Governor John Hickenlooper: "Doug Benevento has an extensive background working on important environmental issues in the State of Colorado. He provided leadership at the Colorado Department of Public Health and Environment under former Governor Bill Owens and as a staffer to former Senator Wayne Allard. I look forward to working with Doug and the rest of EPA to improve the health of Coloradans and protect the natural resources we treasure as we live, work, and play in this beautiful state."

U.S. Congressman Mike Coffman: "I first met Doug Benevento when he worked for Governor Bill Owens and I've been inspired by his dedication to his community and the State of Colorado ever since. I know that he will do an outstanding job for EPA."

U.S. Congressman Scott Tipton: "I'm pleased with Doug Benevento's appointment as Region VIII EPA administrator. His record of service to the State of Colorado is distinguished, both as the former executive director of CDPHE and on the staff of Senator Wayne Allard. More importantly, he understands western issues and will bring that important perspective to the position, both in the Region and in Washington, D.C.; I applaud the appointment."

U.S. Congressman Ken Buck: "I'm excited to see Doug Benevento appointed as EPA Region VIII administrator. Doug's experience and faithfulness to the law and Constitution will benefit EPA and the people he serves. I'm eager to work him to better steward Colorado's land and resources."

Colorado Attorney General Cynthia Coffman: "Doug Benevento was a valued colleague and leader at the Colorado Department of Public Health and Environment. He brings to EPA's Region 8 a public health perspective that is important to all Westerners who care about protecting natural resources and the environment."

Former U.S. Senator Wayne Allard: "Doug Benevento is an excellent choice for Region VIII EPA Administrator. During my years in Congress I valued Doug's sound and thoughtful guidance on environmental issues. He was particularly helpful to me as we worked towards an early cleanup and closure of Rocky Flats. I was also impressed with his leadership at the Colorado Department of Public Health and Environment during the Owens Administration. I'm confident that in this role he will bring a broad base of knowledge and experience of western issues to EPA."

Former Colorado Governor Bill Owens: "Administrator Pruitt made a sound choice in choosing Doug Benevento to lead EPA Region VIII. During my two terms as Governor he served my administration well at the Colorado Department of Public Health and Environment. He provided effective leadership at a large organization while implementing the policy direction of my administration. More importantly, I've also known Doug as a friend for over 20 years; and EPA is also getting a fine person as well as an effective leader."

Alan Matheson, Utah Department of Environmental Quality Executive Director: "I'm optimistic that Doug Benevento's experience will serve him well in building the collaborative state-EPA partnership needed to protect public health and the environment. Having run Colorado's health and environment agency, Mr. Benevento appreciates the state interest in meeting environmental standards in ways that reflect local conditions, economies, and values. I'm also encouraged that his experience in industry has fostered a practical approach to ensuring environmental compliance."

James Martin, former Region 8 Administrator: "Doug Benevento is a sound choice to lead EPA Region VIII. As a former regional administrator, I understand the challenges of the position and Doug is well suited to take on those challenges. Over the almost 20 years I've known Doug he's brought a thoughtful approach to environmental policy and regulation. This was evidenced during his tenure at CDPHE in the Owens administration. I'm confident he will provide strong and effective leadership at EPA."

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Sent: Mon 11/27/2017 3:15:00 PM
Subject: Scott Pruitt on a mission to change the culture of the EPA

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USA TODAY

Scott Pruitt On A Mission To Change The Culture Of The EPA

Ledyard King

November 26, 2017

<https://www.usatoday.com/story/news/politics/2017/11/26/scott-pruitt-mission-change-culture-epa/889633001/>

EPA Administrator Scott Pruitt isn't just dismantling the Clean Power Plan and other high-profile environmental programs of the Obama era. He's on a mission to re-engineer the agency's culture by returning power to states and away from the Washington bureaucrats and coastal elites he said have led it astray.

The EPA, for example, is doing away with the "sue-and-settle" approach that Pruitt said improperly allowed the Obama administration to circumvent laws by rewriting regulations behind closed doors with friendly environmental groups who filed lawsuits.

The agency also has rewritten membership rules for the agency's advisory boards, so that both industry advocates and academics from Midwestern and Mountain states — which Pruitt said were under-represented — have greater influence when counseling agency leaders on new rules.

...

Ken Cuccinelli, a Pruitt ally and former Republican attorney general from Virginia, said the EPA administrator rightly believes the agency needs to return to its roots and abandon quixotic pursuits Obama conducted on global warming embodied by the Clean Power Plan and the decision to sign on to the international treaty known as the Paris Accord.

"The previous administration weaponized this agency," Cuccinelli said. "They were assaulting America through the EPA. Scott believes in clean water and clean air. There's never been any doubt about that. But all of the other creative stuff is the kind of stuff that political elites want to spend their time on and if it affects Americans all it does is reduce their opportunities."

...

As part of his effort to change the culture at EPA, Pruitt is touting a "back-to-basics" agenda that emphasizes partnerships with states and issues he calls central to the agency's mission when Congress created it in 1970.

He's prioritizing cleanup of toxic Superfund sites, lead-tainted drinking water systems, and abandoned mines.

Those issues, he said, took a back seat the previous eight years as the Obama administration engaged in regulatory over-reach on climate change and the "Waters of the U.S." rule that spelled out that streams, rivers and other bodies can be regulated by the federal government.

"Our job is to administer statutes," he said in the interview. "We have to act based on the authority given to us by Congress. When this agency and other agencies in the past have gone askew is when they've created and filled in the vacuum. That's what they did with the Clean Power Plan ... We're correcting that."

Pruitt points to Superfund as an area that previous administrators should have taken more time to address. He's visited a lead-contaminated site in East Chicago, Ind., and the Gold King mine in Colorado (where a mistake by an EPA contractor in 2015 led to a major spill) to emphasize the program's importance.

He often talks about the problems at the West Lake Landfill near St. Louis and how the EPA still hasn't decided how to proceed 27 years after it was tagged as a Superfund site.

"Not clean it up. Not fix the problem. But just simply decide," he told the Federalist Society.

More than half of the original 406 sites from 1983 remain on the list. On average, it takes about 19 years for a site to be removed from the list, according to the Government Accountability Office.

...

When Pruitt last month told an audience of coal miners in Hazard, Ky., that "the war on coal is over" as he announced the administration's plan to repeal the Clean Power Plan, Senate Majority Leader Mitch McConnell, R-Ky., seemed clearly tickled.

"It's great to have an administrator of the EPA," McConnell said as he introduced Pruitt, "who's not afraid to come to Kentucky."

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Sent: Fri 9/22/2017 3:34:24 PM
Subject: CHRON: After Harvey, EPA administrator vows bold response to polluted sites around Houston

THE HOUSTON CHRONICLE

After Harvey, EPA Administrator Vows Bold Response To Polluted Sites Around Houston

Kevin Diaz
September 21, 2017

<http://www.chron.com/news/politics/article/After-Harvey-EPA-administrator-vows-bold-12218929.php>

Environmental Protection Agency Administrator Scott Pruitt, who has visited Texas twice since Hurricane Harvey, vowed Thursday to have "an answer" by next month for a permanent solution to clean up the San Jacinto River Waste Pits.

"What was concerning about that site in advance of the storm, and is a concern today, frankly, and that is that the response, the capping that's taken place, this agency's had to work through remediation efforts every year since 2011," he said in a Chronicle interview. "So there's not been a permanent solution that's really been applied there that provides confidence to the citizens in advance of these kinds of storms."

The EPA Superfund site has been packed with dioxins and other toxic substances from a local paper mill for the past four decades.

"What's needed at San Jacinto is an answer," he said. "What's needed is a permanent solution...and as I indicated on the site, that is coming.... We're going to provide an answer to that site that is going to provide permanency."

One option under consideration, he said, is excavating and removing material around the polluted site, rather than capping it. "The alternative (to capping)," he said, "is excavation."

In the wake of the chemical explosion at the Arkema Inc. plant in Crosby, Pruitt said the EPA has given the company another 30 days to provide information about its risk management plan and the steps it took when the site flooded and its employees were forced to evacuate, leaving behind volatile toxic chemicals that ignited due to lack of power and refrigeration.

The company, in an initial response filed last week, sought a 90-day extension, Pruitt said.

The issue has raised questions about proposed changes to industrial risk management plans, which remain under review.

"There have been questions about risk management plans having too much information that would actually empower and equip terrorists to come in and hit soft targets," Pruitt said. "So there's a balance there."

In a wide-ranging interview, Pruitt also dismissed concerns about the potential closure of the EPA lab in Houston, part of a region that just saw a dozen Superfund sites flood.

Pruitt said the potential closure is part of a nation-wide organization review begun under the Obama administration, and that no decision has been made.

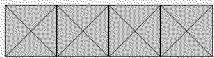
"I would not look at that as a decision that's final," he said. "That's a decision that's under review. Once we get better information through this process we'll be able to make a more complete decision about where regional labs should be located and how they serve the states..."

"This is still under review, and very well could stay in Houston," he added.

"The overriding principle is we will have a presence, it will be a meaningful presence, it will be a partnership, and it will achieve the outcomes that are important in these areas."

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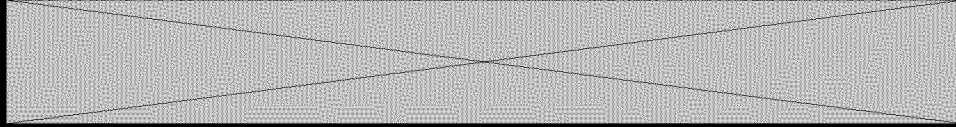
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From: POLITICO Pro
Sent: Thur 10/5/2017 5:54:59 PM
Subject: Senators send letter opposing EPA cuts to RFS volumes

By Eric Wolff

10/05/2017 01:48 PM EDT

A bipartisan group of 38 senators are calling on EPA Administrator Scott Pruitt to reverse the proposed cuts to biodiesel and cellulosic ethanol volumes in the Renewable Fuel Standard.

A letter led by Sens. [Chuck Grassley](#) (R-Iowa) and [Amy Klobuchar](#) (D-Minn.) praises Pruitt for setting conventional biofuel volumes at the maximum allowed by law, but says the agency's proposed rule setting biofuels volumes for 2018 and 2019 "unjustifiably flatlines biomass-based diesel, reduces advanced biofuels, and reduces the cellulosic biofuel blending target by about 25 percent."

The senators attack EPA's methodology for using historical measures and not forward projections. They also criticize EPA for proposing to reduce biodiesel volumes in a notice released last week, and for considering allowing credits for exported biofuel.

"If done right, this rule is an opportunity to continue our nation's path to be not only the world leader in first generation ethanol production, but also in cellulosic ethanol and advanced biofuel production by spurring investment and manufacturing here in the United States rather than overseas," the letter says.

WHAT'S NEXT: Grassley and Sens. [Joni Ernst](#) (R-Iowa) and [Deb Fischer](#) (R-Neb.) are scheduled to meet with Pruitt next week.

To view online:

<https://www.politicopro.com/agriculture/whiteboard/2017/10/senators-send-letter-opposing-epa-cuts-to-rfs-volumes-093993>

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Sent: Tue 11/14/2017 1:09:29 AM
Subject: House Republicans shield flood insurance bill from amendments

By Zachary Warmbrodt

11/13/2017 08:07 PM EDT

House Republicans have agreed to prohibit votes on amendments when lawmakers consider a National Flood Insurance Program reauthorization bill on the floor tomorrow.

Two amendments drafted by the leadership of the House Financial Services Committee will be considered automatically adopted as part of the underlying bill, H.R. 2874.

But several amendments offered by coastal Republicans and Democrats will not get floor time.

Rep. Garret Graves (R-La.), one of the lawmakers who drafted amendments that will not be considered, spoke out against the flood insurance legislation during a House Rules Committee hearing tonight.

WHAT'S NEXT: The NFIP is set to expire Dec. 8.

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Subject: House passes budget in first step toward tax reform

By Jennifer Scholtes

10/05/2017 11:56 AM EDT

Updated 10/05/2017 12:40 PM EDT

The House passed a budget today that paves the way for tax reform, slashes spending over 10 years and calls for lawmakers to find at least \$203 billion in extra savings from mandatory programs.

After months of intra-party wrangling, GOP leaders succeeded in advancing the fiscal 2018 resolution, H. Con. Res. 71 (115), on a 219-206 vote.

The deal is far from done, however, since the Senate has yet to bring its own plan to a floor vote, and budget writers must ultimately reconcile the differing packages during conference negotiations.

Because Senate Republicans have a smaller majority than their House counterparts, House Republicans are already bracing for a final product that's far different than the plan they have now sent to the Senate.

Before passage this week, House Budget Chairman Diane Black (R-Tenn.) touted her proposal's most fiscally conservative tenets, noting that the budget resolution would instruct congressional committees to cut billions of dollars from mandatory programs that pay for food stamps, housing aid and student loans.

"Can we not acknowledge that there are some programs that perhaps have fraud, waste and abuse we can take care of? ..." Black said on the floor. "That's what this budget does. It says, 'Open up your minds, think differently, let's not do things the same old way and keep putting the same old programs out there that maybe aren't working.'"

But Democrats contend that those budget instructions would take from the poor while the plan's reconciliation language enables Republicans to pursue tax cuts for the nation's wealthiest individuals.

To view online:

<https://www.politicopro.com/tech/whiteboard/2017/10/house-passes-budget-in-first-step-toward-tax-reform-093954>

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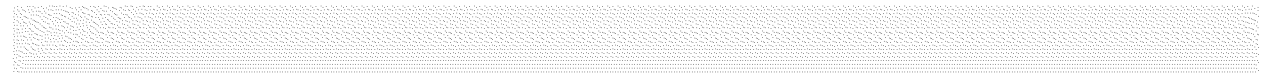
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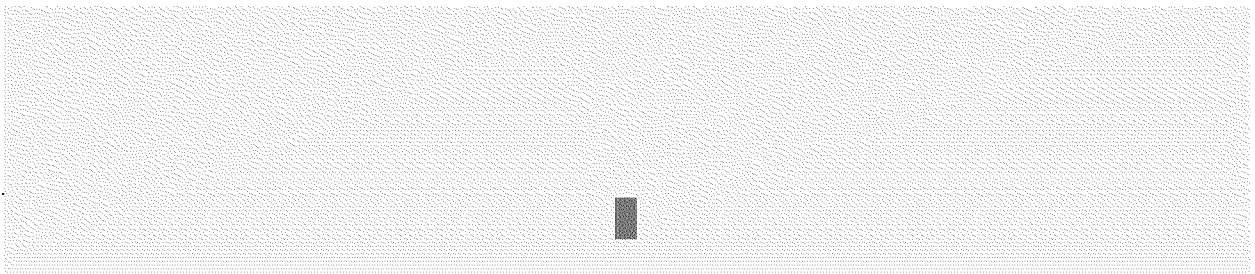
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Subject: Morning Consult Washington: Conyers to Relinquish Ranking Member Post on House Judiciary Committee



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From: POLITICO Pro
Sent: Mon 11/13/2017 11:25:40 PM
Subject: White House backs House flood insurance bill

By Zachary Warmbrodt

11/13/2017 06:23 PM EDT

The White House today issued a statement supporting the National Flood Insurance Program reauthorization bill that was scheduled to be on the House floor Tuesday.

In a [statement](#) of administration policy, the White House said President Donald Trump's advisers would recommend that he sign the bill, [H.R. 2874](#).

The administration endorsed provisions of the bill that would try to reduce the number of legal hurdles for private companies seeking to offer flood insurance outside of the government program.

The White House signaled it wanted to see additional changes to the NFIP, including the phasing out of coverage for newly constructed buildings and commercial properties.

WHAT'S NEXT: The House Rules Committee was scheduled to consider the flood insurance bill this evening.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/11/white-house-backs-house-flood-insurance-bill-095598>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Fri 10/20/2017 9:00:04 PM
Subject: PHOTOS: Administrator Pruitt Visits Nebraska

CONTACT: press@epa.gov

PHOTOS: Administrator Pruitt Visits Nebraska

OMAHA (October 20, 2017) – Today, Environmental Protection Agency (EPA) Administrator Scott Pruitt traveled to Lincoln, Nebraska to meet with Governor Pete Ricketts, state officials, and stakeholders with the Commonsense Nebraska Coalition to discuss the Agency's proposal to rescind the 2015 "Waters of the United States" (WOTUS) rule.

"As I've traveled across the country, countless farmers and ranchers have expressed their concerns over the 2015 WOTUS rule," **said Administration Pruitt.** "By beginning the process to rescind this rule, we are working with our state partners like Governor Ricketts to ensure traditional powers are returned to the states and helping ensure regulatory certainty for our country's agriculture stakeholders."

"Thank you to Administrator Pruitt for all he has done to cut onerous and job-killing federal red tape imposed on the states," said Governor Ricketts. "Administrator Pruitt and the Trump Administration have kept their word and repealed the 2015 Waters of the U.S. (WOTUS) rule that would have threatened future growth in Nebraska agriculture and manufacturing. In his work of rolling back the old rule and writing a new one, Pruitt is returning power to the states and protecting the rights of our farm families and small business owners."

Administrator Pruitt began his trip meeting with Governor Ricketts and members of his cabinet to discuss the Agency's positive environmental agenda moving forward. Attendees included: Nebraska Lt. Governor Mike Foley, Nebraska Department of Agriculture Director Greg Ibach, Director of the Nebraska Department of Economic Development Courtney Dentlinger, Director of the Nebraska Energy Office David Bracht, Department of Environmental Quality Director Jim Macy, Department of Natural Resources Director Jeff Fassett, Department of Transportation Director Kyle Schneweis, Governor Rickett's Chief of Staff Matt Miltenberger, and Governor Rickett's Policy Research Advisor Lauren Kintner.

Following the Nebraska Cabinet meeting, Administrator Pruitt and Governor Ricketts hosted a roundtable discussion with the Common Sense Nebraska Coalition to discuss ways the Agency can provide sensible regulations to protect waterways.

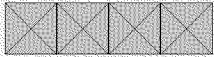
After the roundtable, Administrator Pruitt departed for Omaha where he met with officials from Union Pacific to discuss the importance of EPA's back-to-basics agenda and the Agency's actions to provide regulatory certainty, while also ensuring clean air, land, and water.

EPA Administrator Scott Pruitt with Nebraska Governor Pete Ricketts.

EPA Administrator Pruitt meets members of Governor Ricketts' cabinet.

EPA Administrator Pruitt and Governor Ricketts hold a roundtable with the Commonsense Nebraska Coalition.

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1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 10/31/2017 1:33:02 PM
Subject: Groups seek ethics probe of former Interior employee who joined oil trade association

By Esther Whieldon

10/31/2017 09:31 AM EDT

Three left-leaning nonprofit groups are asking the Interior Department's top ethics official to determine whether a former senior official who left for a job with the oil industry violated conflict-of-interest laws by participating in meetings about oil and gas policy in the weeks before her departure.

Megan Bloomgren, who joined Interior's beachhead team in December and left the department in June to go work for the American Petroleum Institute, may have been involved in discussions affecting oil and gas policy while she was negotiating her job with the industry's top trade association, according to a Tuesday [letter](#) from Public Citizen, Friends of the Earth and the Climate Investigations Center to Melinda Loftin, Interior's designated ethics official.

Public Citizen and the green groups cite Interior Secretary Ryan Zinke's calendar entries that listed Bloomgren's name, including for an April meeting with oil executives, and note that ethics officials reported having no records of Bloomgren recusing herself or obtaining waivers to participate in the meetings. But they acknowledge "key facts remain unknown," including whether Bloomgren actually attended the meetings.

Bloomgren said she followed the rules.

"I joined the administration for the initial transition period to help in any small way I could to ensure smooth transition," she said in a statement to POLITICO. "And I strongly support an open and responsive government and I was briefed on and abided by all ethical rules that applied to me during that time."

A spokeswoman for Interior said Bloomgren "requested a recusal in early May and followed all appropriate rules."

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/10/groups-seek-ethics-probe-of-former-interior-employee-who-joined-oil-trade-association-094959>

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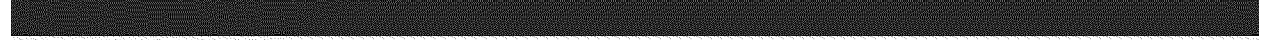
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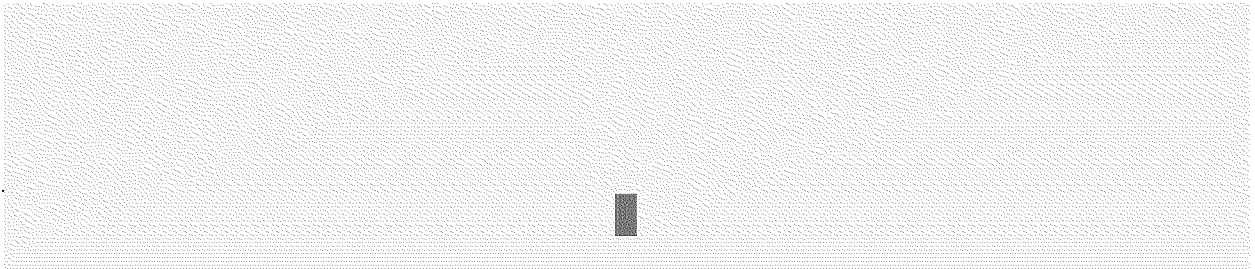
Arlington, VA, 22209, USA

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Tue 10/31/2017 1:02:47 PM
Subject: Morning Consult Washington, Presented by the National Association of Broadcasters:
Facebook Says Russian Posts Reached 126 Million Users



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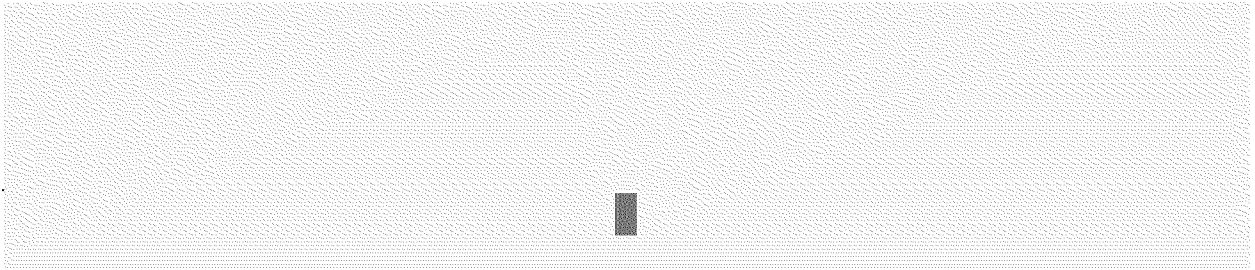


To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Thur 10/5/2017 1:19:27 PM
Subject: Morning Consult Washington, Presented by the Electronic Payments Coalition: Rep. Tim Murphy Won't Seek Re-election Next Year



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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 10/31/2017 12:56:53 PM
Subject: Pruitt to replace science advisers with industry, state officials

By Emily Holden

10/31/2017 08:56 AM EDT

EPA administrator Scott Pruitt is expected to dismiss science advisers who have received agency grants and replace them with representatives of the fossil fuel and chemical industries and a handful of mostly Republican state environment officials, according to a list obtained by an advocacy group.

Pruitt has said he wants to eliminate conflicts of interest among the scientists who provide advice to the administrator, but critics and former EPA officials have blasted his plans as an attack on science.

Among the potential appointments to the chartered Science Advisory Board and Clean Air Scientific Advisory Committee are employees of the oil companies Total and Phillips 66, as well as the utility Southern Co. and the chemical lobbying group the American Chemistry Council.

The list also includes a researcher from NERA Economic Consulting, an industry-contracted firm whose estimates of the costs of the Paris climate agreement President Donald Trump cited when he moved to exit the deal. The document also lists Michael Honeycutt, head of the Texas Commission on Environmental Quality's toxicology division, who the Washington Post noted yesterday has questioned the health risks associated with smog.

Pruitt will not renew any members whose terms expired at the end of September. He also will cut short the service of scientists who have received EPA research grants, the list shows.

Terry F. Yosie, who directed the SAB under President Ronald Reagan and is now president of the World Environment Center, said in an email that the move represents a "major purge of independent scientists."

Pruitt is scheduled to announce the changes at 2 p.m. EPA did not respond to queries.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/10/pruitt-to-replace-science-advisers-with-industry-state-officials-094962>

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Energy: Scott Pruitt. To change your alert settings, please go to

<https://www.politicopro.com/settings>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy
Sent: Thur 10/5/2017 9:43:12 AM
Subject: Morning Energy, presented by Chevron: Zinke's mixing politics with business draws scrutiny —
Report: Perry took charter flight last week — Federal judge reinstates parts of methane waste rule

By Anthony Adragna | 10/05/2017 05:41 AM EDT

With help from Ben Lefebvre and Darius Dixon

Morning Energy will not publish on Monday Oct. 9. Our next Morning Energy newsletter will publish on Tuesday Oct. 10. Please continue to follow PRO Energy issues [here](#).

MIXING PUBLIC LANDS AND POLITICS: Over the course of his first months in office, Interior Secretary Ryan Zinke has met with big donors or political groups more than a half-dozen times while on official travel, raising questions about the appropriateness of those habits even if they don't cross any legal red lines, Pro's Ben Lefebvre and Esther Whieldon [report](#). GOP donors shelled out up to \$5,000 per couple for a photo with him during a nearly two-hour Virgin Islands Republican Party fundraiser during a stop on an official trip related to the Interior Department's role overseeing the U.S. territory. Tickets for the fundraiser, which was attended by local party members and elected officials, ranged from \$75 per person to as much as \$5,000 per couple.

Though ethics watchdogs said Zinke's appearance was legal, they said attending a fundraiser during his first month as secretary is not in line with past administrations' conduct. "It happens on occasion with other Cabinet secretaries, perhaps even a little more often as you get near the election, but it is not a very common practice for Cabinet members to be hopping around from campaign event to campaign event like we're seeing with Zinke," said Craig Holman, government affairs specialist for government watchdog Public Citizen. An Interior spokeswoman said Zinke always follows the law but declined to answer specific questions about his appearance at the Virgin Islands fundraiser, nor would say if he planned to continue raising funds.

Zinke's not alone: Obama administration officials had their own struggles mixing official business with politics. A watchdog group requested a probe of whether then-Secretary Ken Salazar had violated the Hatch Act while taking an Obama re-election campaign RV tour of Colorado. The Office of Special Counsel [found](#) HHS Secretary Kathleen Sebelius violated the Hatch Act in 2012, saying she had made "extemporaneous partisan remarks" in North Carolina. Former Interior chief Sally Jewell said she thought Zinke was within his rights, noting she once appeared at a fundraiser for Democratic Sen. [Maria Cantwell](#) that she paid her own way to. "If he had legitimate business while he's on the island, to do a political thing on the side I don't think that is that unusual," Jewell said.

But some see Zinke's activity as trying to maintain political contacts so can keep his options available for what to do after he leaves the Trump administration. "I think he's definitely got political aspirations, that that's one of the reasons why he is where he is at right now," said Land Tawney, executive director of Backcountry Hunters and Anglers. "You don't go from being a Montana legislator to a first-term congressman to [Interior] secretary without having ambition."

He's widely seen an attractive candidate for Montana's open-seat governor's race in 2020.

Quotes that keep coming back to ME: "Put another way, just because something is legal doesn't make it right," OMB director Mick Mulvaney wrote last week. "So much of what happens around here is based on appearances. If it just appears wrong, don't do it," Senate Energy Chairman Lisa Murkowski told reporters last week.

REPORT: PERRY TOOK CHARTER TOO — LAST WEEK: Energy Secretary Rick Perry took a chartered flight last week from Hazleton Regional Airport in Pennsylvania to the Greater Portsmouth Regional Airport in Ohio one day before HHS Secretary Tom Price resigned last week, Reuters reports, citing "PMH Aviation, the company that runs the Portsmouth airport." Information about the cost of the flight were not available and the agency did not respond to requests for comment. PMH declined to confirm the flight when contacted by ME Wednesday night. But FlightAware has details of a Sept. 28 trip that appears to match Perry's itinerary that day; his tour of a uranium facility started at 8:30 the following morning. After the tour, Perry tweeted that he was headed to the Cincinnati/Northern Kentucky International Airport.

SPEAKING OF TRAVEL: The Western Values Project told ME it plans to file a complaint in federal court today complaining Interior has not responded to FOIA requests it filed in June asking the extent that Zinke's wife has accompanied him on official work business. Lola Zinke has accompanied her husband on some official trips, either ceremonial events to which she had been officially invited or on trips on which she has paid her way, Interior spokeswoman Heather Swift told ME. And CNN reports Interior's inspector general expanded its existing probe on Zinke's non-commercial travel to also include a summer visit to the Vegas Golden Knights hockey team.

WELCOME TO THURSDAY EVERYBODY! I'm your host Anthony Adragna, and DOE's Diane Meck was first up to identify Rep. Sala Burton as the lawmaker Nancy Pelosi replaced in Congress. For today: How many — and which — members of Congress replaced their spouses in their seats? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

"I DID NOT SIGN UP TO GO BLOW UP THE MARKETS": Recently minted FERC Commissioner Robert Powelson didn't hold back Wednesday making it clear that he's not going to be a rubber stamp on the Energy Department's grid pricing proposal, and warned against politicizing FERC. According to SNL, the audience gathered for a meeting of the Organization of PJM States broke into a standing ovation when the former longtime Pennsylvania regulator declared, "We will not destroy the marketplace." Powelson, a Republican, reportedly said he wouldn't support a rule that undoes the power markets FERC oversees. "When that happens, we're done. I'm done; I don't need this job," he said, according to SNL. "FERC does not do politics. We don't do energy politics," he also said. "I did not sign up to go blow up the markets."

Something to keep in mind: Organization of PJM States includes state regulators spanning Illinois to New Jersey and down to North Carolina, and its meetings include not only officials from PJM, the nation's largest power market, but consumer counsels from those states and plenty of power companies. PJM is also the market that would be the most affected by DOE's proposed

rule. This is Powelson's crowd.

We need lots of information: Late Wednesday, FERC posted 53 questions and other requests for information as it dives into DOE controversial resiliency pricing proposal, Pro's Darius Dixon [reports](#). The six-page [document](#) splits those questions into categories looking for feedback on rates, the 90-day on-site fuel requirement envisioned by DOE, and how pricing changes would be implemented, among other issues.

METHANE RULE LIVES — FOR NOW: A federal court in California [ruled](#) Wednesday that BLM unlawfully postponed key compliance dates for a methane waste rule in June, effectively putting the rule back on the books for now. Pro's Alex Guillén [reports](#). Magistrate Judge Elizabeth Laporte said the agency was too late to delay components of the regulation because its effective date had already passed and therefore should have gone through a round of notice-and-comment rulemaking before suspending any part of the rule. Her decision came the same day Interior [proposed](#) an 18-month delay of the methane waste rule as it works to rewrite it. BLM will accept comments on that proposal for 30 days.

**** A message from Chevron:** When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat—buckwheat. Watch the video: <http://politi.co/2fVfOTm> **

EPA STRATEGIC PLAN DROPS CLIMATE FOCUS: EPA's priorities for the next four years would no longer make reference to climate change or rules to reduce carbon emissions under a [draft strategic plan](#), Pro's Alex Guillén [reports](#). The document, which went out to EPA employees Wednesday, instead defines the agency's "core mission" as ensuring clean air, water and land, calls for more "cooperative federalism" and touts the "rule of law and process." Accompanying graphic that went to employees [here](#).

DEMOCRATS OFFERING CLIMATE METRIC BILL: Led by Sen. [Michael Bennet](#), eight Senate Democrats today are introducing [a bill](#) — the Transparent Pollution Accounting Act — that would standardize the metric used across the federal government to quantify the cost of climate pollution. The Trump administration suspended use of the existing social cost of carbon earlier this year, prompting the need for a codified value, the Democrats argue.

WATCH THAT WRAP UP TODAY: Murkowski wants to have Kevin McIntyre, Trump's pick to chair FERC, and Rich Glick, who serves as general counsel to energy committee Democrats, onto the commission before the chamber adjourns for the Columbus Day recess, Pro's Darius Dixon [reports](#).

Barrasso: Baran's renom needs a big offset: If Democrats want to secure a full five-year term for Nuclear Regulatory Commission member Jeff Baran, they're going to have to agree to "a fairly significant, robust [nomination] package for me to agree to allow him through," Sen. [John Barrasso](#) told ME. Democrats have insisted that Baran, a former aide to ex-Rep. Henry Waxman who has been on the commission since 2014, get a new term alongside the confirmations of GOP commission nominees Annie Caputo and David Wright, who were approved by EPW in July.

Barrasso's comments suggest that Democratic support for Caputo and Wright likely isn't enough to get him to go along with Baran, especially considering his frustration with objections to EPA enforcement nominee Susan Bodine. Still, there's not much to hang over the Democrats in the near term: It's a Republican administration with plenty of EPA nominees they don't like, and Baran's seat doesn't expire until June.

ADMINISTRATION SENDS OVER DISASTER FUNDING REQUEST: Officials formally sent over a request for nearly \$30 billion in disaster relief Wednesday that included \$12.8 billion for FEMA's disaster relief fund, \$16 billion for the National Flood Insurance Program and \$576.5 million for the forest service's firefighting fund, Pro Budget and Appropriations Brief's Sarah Ferris [reports](#). That came as San Juan's mayor [blasted Trump](#) on Wednesday as the "miscommunicator in chief" and called his visit to the island "insulting."

Murkowski's focused on immediate relief: Murkowski expressed concern about the "slow" federal response to Hurricane Maria and said building a more resilient Puerto Rican grid was secondary to getting the lights back on. "When you think about the extent of a disaster like this, we all want to say, 'Okay, let's improve, let's improve the grid here, let's build the Puerto Rican grid of the future,' but first and foremost—we've just gotta try and clean up," she told reporters. An aide said Murkowski planned to visit the island with other lawmakers next week but that those details are still being finalized.

PHMSA, NOAA PICKS ADVANCE: The Senate Commerce Committee advanced the nominations of Howard Elliott to run PHMSA and Timothy Gallaudet to be No. 2 at NOAA by voice vote Wednesday. Add them to the ever-increasing backlog of nominees waiting for a Senate floor vote.

DEMOCRATS SEEK PROBE OF PRUITT'S SPENDING: Two senior House Transportation Democrats — [Peter DeFazio](#) and [Grace Napolitano](#) — asked EPA's inspector general in [a letter](#) to probe "wasteful" spending by Pruitt on round-the-clock security and a \$25,000 soundproof phone booth. "This culture, which is reflected in travel and lifestyle choices from the president on down, seems to embolden senior, politically appointed officials of the Trump administration to undertake lavish spending of taxpayer dollars for their sole and personal benefit, and not for the benefit of the Americans paying the tab," they write.

Udall considering private plane rider: Sen. [Tom Udall](#), top Democrat on Appropriations subcommittee responsible for EPA spending, told ME he was "exploring" some sort of rider barring officials from private plane travel. "What I end up seeing is there's some very wasteful things going on," he said.

SENIOR E&C MEMBER MURPHY TO RETIRE: Rep. [Tim Murphy](#), who chairs the Energy and Commerce Subcommittee on Oversight, announced late Wednesday he'll retire at the end of his current term, POLITICO's Rachael Bade, Elena Schneider and John Bresnahan [report](#). The staunchly pro-life Murphy allegedly suggested a mistress get an abortion.

MINE SAFETY PICK ACKNOWLEDGES FAULTS: David Zatezalo, Trump's mine safety pick, told a Senate panel Wednesday he was "not proud of the fact" the coal company Rhino

Resources he used to run got notices of safety violations, Pro Labor's Ian Kullgren [reports](#). He also said he'd have no trouble working with career staff that issued the notices in 2010 and 2011.

ZINKE HEADS TO FLORIDA: Today, the Interior secretary will get a briefing on "infrastructure upgrades and Everglades restoration at Lake Okeechobee." He'll also visit National Park Service sites Friday impacted by recent hurricanes.

CONSERVATIVES FOR CLEAN ENERGY: Hundreds are expected to gather today at the Hyatt Regency for the Conservative Clean Energy Summit. Multiple lawmakers are expected to address the gathering, including Sens. [Mike Rounds](#), [Rob Portman](#) and [Lindsey Graham](#), as well as Rep. [Scott W. Taylor](#). More information [here](#).

Milestone for House climate caucus: There are now 60 members of the House Climate Solutions Caucus with the additions of Reps. [Pete Aguilar](#) and [Mimi Walters](#).

PERRY AIDE ADDS MORE CLIENTS: Jeff Miller, a former adviser to Energy Secretary Rick Perry during his second presidential run, has signed three new clients — including Pacific Gas and Electric, the massive California utility. Miller reported lobbying DOE in the second quarter on behalf of six clients, including AECOM, Lucid Motors (as a subcontractor to Hobart Hallaway & Quayle), the Nuclear Energy Institute, Occidental Petroleum, Southern Company and Valero Energy. He's signed 15 clients since he started lobbying in Washington this year and Perry became DOE chief (h/t [POLITICO Influence](#)).

END OF A (SHORT) ERA: The Rogue EPA Twitter account is going on hiatus, it announced Wednesday. "We started this account to be sure the public knew what was happening at EPA. Now, the world sees...It may be time to take a step back and let others carry the torch for a while. Those of us at the helm, here, are tired," a [couple of tweets](#) said.

QUICK HITS

— Putin Says He'd Drive a Tesla. [Bloomberg](#).

— Interior Department whistleblower resigns, calling Ryan Zinke's leadership a failure. [Washington Post](#).

— Contrary To Original Plan, Atlantic Coast Pipeline May Extend Beyond North Carolina. [WUNC](#).

— Former AG Sorrell Skips Deposition, Sparks War of Words. [Seven Days](#).

— Here's the leaked anti-leak training email sent to DOE staff. [Wired](#).

— Putin says oil cut deal with OPEC could last to end of 2018. [CNBC](#).

— Climate change could nearly triple airplane turbulence in the next decades, study says. [ABC News](#).

HAPPENING TODAY

9:30 a.m. — CSIS discussion on the future of electrification, Center for Strategic & International Studies, 1616 Rhode Island Ave NW

9:30 a.m. — Sens. Burr and Cantwell hold press conference on Land and Water Conservation Fund, Senate Swamp

9:30 a.m. — Lawmakers hold press conference to discuss the wildfire threat in the West and potential legislative fixes, HVC 110 Studio B

10:00 a.m. — "Powering America: Consumer-Oriented Perspectives on Improving the Nation's Electricity Markets," House Energy and Commerce Energy Subcommittee, Rayburn 2123

12:00 p.m. — "The Growing Role of Liquefied Natural Gas in Latin America," Atlantic Council, 1030 15th ST NW, 12th Floor

12:30 p.m. — "How Agencies Reverse Policy: Stays, Remands, and Reconsideration," Environmental Law Institute, 1101 K Street, NW, President's Room

THAT'S ALL FOR ME!

**** A message from Chevron:** This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat—buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: <http://politi.co/2fvfOTm> **

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/10/zinkes-mixing-politics-with-business-draws-scrutiny-024920>

Stories from POLITICO Pro

Interior secretary draws flak for mixing politics, official travel [Back](#)

By Ben Lefebvre and Esther Whieldon | 10/04/2017 07:31 PM EDT

Republican donors paid up to \$5,000 per couple for a photo with Interior Secretary Ryan Zinke at a fundraiser held during a taxpayer-funded trip to the U.S. Virgin Islands, according to documents reviewed by POLITICO — raising questions about his habit of mixing official government business with political activism.

The new details about Zinke's March trip to the Caribbean, including the previously undisclosed invitation to the Virgin Islands Republican Party fundraiser, emerged after weeks of scrutiny of the former Montana GOP congressman's travels. The nearly two-hour event was one of more

than a half-dozen times Zinke has met with big donors or political groups while on department-paid trips, Interior travel records and other documents show.

Ethics watchdogs say Zinke is combining politics with his Interior duties so frequently that he risks tripping over the prohibitions against using government resources for partisan activity, even though his appearance at the Virgin Islands event seems to have been legal. Democrats have also seized on the issue, including 26 House members who wrote in a letter Tuesday that Zinke's travels "give the appearance that you are mixing political gatherings and personal destinations with official business."

Zinke has said all his actions have obeyed the law, dismissing concerns about his travel as "a little B.S."

But some ethics advocates say Zinke's attendance at a fundraiser during his first month as secretary is not in line with past administrations' conduct, even if he crossed no legal red lines.

"It happens on occasion with other Cabinet secretaries, perhaps even a little more often as you get near the election, but it is not a very common practice for Cabinet members to be hopping around from campaign event to campaign event like we're seeing with Zinke," said Craig Holman, government affairs specialist for government watchdog Public Citizen.

The secretary is already under investigation by his department's inspector general over his use of taxpayer-funded private planes for some of the trips, and the Justice Department's Office of Special Counsel is looking into an activist group's allegations that he violated the Hatch Act, the law limiting political activism by federal employees. The White House has cracked down on Cabinet members' travel habits following former HHS Secretary Tom Price's resignation on Friday, which occurred after POLITICO reported on his own expensive flights.

Zinke visited the Virgin Islands from March 30 to April 1 on an official trip related to the Interior Department's role overseeing the U.S. territory. On his first day, following a "veterans meet and greet" and a reception with Gov. Kenneth Mapp, he appeared in his personal capacity at a March fundraiser for the local Republican Party at the patio bar of the Club Comanche Hotel St. Croix, department records show.

Tickets for the fundraiser ranged from \$75 per person to as much as \$5,000 per couple to be an event "Patron," according to Zinke's official calendar and a copy of the invitation. Patrons and members of the host committee, who paid \$1,500 per couple, could get a photo with Zinke at the start of the event, which was attended by local party members and elected officials.

The following day, Zinke took a \$3,150 flight on a private plane, paid for by the department, from St. Croix to official functions on St. Thomas and returned later that evening. Interior Department officials said there was no other way to accommodate his schedule, which included official events on both islands commemorating the 100th anniversary of the Dutch government transferring control of the islands to the United States.

Zinke is allowed to engage in partisan political activity in a "purely personal (not official)

capacity," so long as he does not use government resources, according to Interior Department guidelines on the Hatch Act and other federal laws. The invitation to the GOP fundraiser did not identify Zinke by his official title and included a disclaimer that the money is being solicited by the local party and "not by any federal official."

All told, Zinke has spent around \$20,000 for three charter flights as secretary, nowhere near the \$1 million tab Price racked up on non-commercial trips. But he has on numerous occasions attended political receptions, spoken to influential conservative groups or appeared alongside past campaign donors during trips he takes outside of Washington, D.C., for official department business.

In one instance, Zinke gave a motivational speech for a professional hockey team owned by a major campaign contributor that he said was official business — and which required him to charter a \$12,000 flight to Montana for an appearance at the Western Governors Association the next day.

In another case, during a speech to the Western Conservative Summit in Denver, he was introduced via a recorded voice as the Interior secretary and Zinke proceeded to talk about the agency's priorities. The summit was organized by the Centennial Institute, which bills itself as Colorado Christian University's think tank and is a part of the State Policy Network of organizations that collectively push for conservative state-level legislation.

An Interior spokeswoman said Zinke always follows the law but declined to answer specific questions about his appearance at the Virgin Islands fundraiser, nor say whether he would keep raising political money. The agency also has yet to post Zinke's trip expenses involving any of the political events.

"The Interior Department under the Trump Administration has always and will always work to ensure all officials follow appropriate rules and regulations when traveling, including seeking commercial options at all times appropriate and feasible, to ensure the efficient use of government resources," spokeswoman Heather Swift said in a statement.

Swift did not respond to questions about whether the department had gotten reimbursement for the political portion of Zinke's three-day Virgin Islands trip, as the head of one watchdog group says it should have.

"Some of this travel is clearly political and that part of the travel should have been paid for by the RNC, NRCC, state political parties, a campaign committee or Zinke personally," said Daniel Stevens, executive director of the Campaign for Accountability.

No payments to the department are listed in the Virgin Islands Republican Party's FEC records.

Zinke is not the first Interior secretary, or Cabinet member, to have his activities questioned.

In 2012, a watchdog group called Cause of Action urged the Office of Special Counsel to investigate whether President Barack Obama's then-Secretary Ken Salazar had violated the

Hatch Act while taking an Obama reelection campaign RV tour of Colorado with a couple of lawmakers and the state lieutenant governor. Local organizers of one stop on that tour had billed Salazar on its online events calendar as attending the political rally in his official role. OSC would not say whether its investigation uncovered any problems, but travel records Interior has posted show that one of Salazar's aides had told the tour's coordinator the schedule "should not refer to (Salazar as) 'secretary.'" Salazar did not respond to a request for comment.

A former Salazar aide, who was not authorized to speak on the record, said the Obama administration generally tried to avoid scheduling political events that coincided with official travel because it was difficult to divvy up what expenses should be reimbursed by a campaign.

The special counsel's office found Obama HHS Secretary Kathleen Sebelius in violation of the Hatch Act in 2012, saying she had made "extemporaneous partisan remarks" by endorsing a candidate for North Carolina governor during a speech she made in her official capacity. Sebelius tried to scrub the violation by reclassifying the appearance as political and reimbursing the Treasury Department for costs associated with the trip.

Sally Jewell, who was Interior secretary during Obama's second term, said Zinke was within his rights to appear at the fundraiser in the Virgin Islands. Jewell said she once appeared at a fundraiser for Democratic Sen. Maria Cantwell while in Obama's Cabinet, though she paid her own way to Washington state and was not identified by her official title.

"If he had legitimate business while he's on the island, to do a political thing on the side, I don't think that is that unusual," Jewell said in an interview.

EPA Administrator Scott Pruitt canceled his scheduled appearance at a fundraiser for the Oklahoma Republican Party in April because an invitation had identified him by his official title and said he would discuss his work at the agency. EPA ethics officials said he would have been cleared to attend the event if not for that language on the invitation.

Watchdog groups say Zinke's behavior fits a pattern for Trump's Cabinet.

"These government resources have been abused by this administration," said Virginia Canter, an executive branch ethics counsel for Citizens for Responsibility and Ethics in Washington who previously worked as an ethics official for Presidents George H.W. Bush, George W. Bush and Obama. "To the extent that some of that supports their political ambitions is inconsistent with the intent of this authority."

The Campaign for Accountability called on Interior's inspector general and the Office of Special Counsel to investigate whether Zinke violated the Hatch Act or department ethics rules with his speech to the hockey team, which the group said appeared to be a favor for a donor. Interior's IG office announced its investigation earlier this week, and OSC told the Campaign for Accountability that it was looking into the group's complaint, according to an email shared with POLITICO. The OSC declined to comment.

Reps. Raúl Grijalva (D-Ariz.) and Donald McEachin (D-Va.) have asked Interior's IG to also

look into any trips on which the secretary was accompanied by his wife, Lola Zinke, who is chairing the campaign of Montana Republican Troy Downing, a candidate to unseat Democratic Sen. [Jon Tester](#) next year. Swift said Lola Zinke was not in the Virgin Islands and has paid her own way whenever she has traveled with her husband on official trips.

Many who know him see Zinke's travels as an attempt to keep in touch with political contacts as he contemplates what he will do after leaving the Trump administration. Back home, the 55-year-old former Montana congressman is seen as an attractive candidate for the open-seat governor's race in 2020, when Democratic Gov. Steve Bullock will have to step down because of term limits.

"I think he's definitely got political aspirations, that's one of the reasons why he is where he is at right now," said Land Tawney, executive director of Backcountry Hunters and Anglers, a Montana-based sportsman group that supported Zinke's bid for Interior secretary. "You don't go from being a Montana legislator to a first-term congressman to [Interior] secretary without having ambition."

The Virgin Islands trip was Zinke's first interaction with big donors or influential conservative groups during his travel as Interior secretary.

A weeklong trip in May that took Zinke through Montana, Utah and California also offered a chance to squeeze in some political events.

Zinke delivered the keynote speech at the RNC spring meeting on May 11 in Coronado, Calif. Zinke had flown to California the previous night, after several days touring monuments in Utah, and the RNC speech was his only event in the state aside from a meeting earlier that afternoon with Rep. [Amata Radewagen](#), the Republican delegate from American Samoa, and members of the American Tunaboat Association.

The next day, Zinke flew back to Montana where he joined Sen. [Steve Daines](#) (R-Mont.) and Vice President Mike Pence to tour a coal mine on the Crow Indian reservation operated by the Westmoreland Coal Co.

The trip offered Zinke and Pence an opportunity to tout the Trump administration's work to promote new coal mining on federal lands — and it allowed them to make a brief detour to promote Zinke's congressional replacement. That Friday night, Zinke, Pence and Daines attended a political rally for GOP candidate Greg Gianforte, and Zinke attended a get-out-the vote event for the Montana GOP the next day.

Zinke apparently paid for his return trip to Washington out of his own pocket — it was marked "personal travel" on his calendar, a designation not applied to the other flights on that trip.

Gianforte, whose wife is a [major](#) political donor in Montana, won the May 25 special election to take over Zinke's House seat.

Greg and Susan Gianforte donated more than \$10,000 to Zinke's 2016 congressional campaign

and another \$10,000 to joint Zinke-Daines PAC, according to federal records. The couple donated \$5,000 for his earlier run for Congress.

Zinke met with big influencers and donors in June as well.

On June 25, he flew from D.C. to Reno, Nev., where his only scheduled event was a meeting of the Rule of Law Defense Fund, a group of Republican attorneys general that has been linked to the Koch brothers, where he spoke and took questions for about 30 minutes, according to his schedule.

After his remarks, he sat at a dinner table with Montana's attorney general, the government relations specialist for the Venetian Resort Hotel Casino and Las Vegas Sands, and Koch Industries lobbyist Allen Richardson, Interior documents show.

The next day, Zinke flew to Las Vegas for an event on public lands in nearby Pahrump, Nev., and a speech that night to the National Hockey League's Vegas Golden Knights. Bill Foley, the team owner and chairman of Fidelity, introduced Zinke. Foley donated \$7,800 to Zinke's 2014 campaign, while employees and PACs associated with Fidelity and related companies gave another \$180,000. Interior officials said the speech to the NHL team was part of Zinke's official duties, and they pointed to scheduling conflicts it created to justify his use of a \$12,000 private plane to get to a Western Governors Association meeting in Montana the next day.

In July, Zinke spoke to several conservative groups in Colorado during a three-day trip that also included tours of Interior Department facilities in the state. He flew into Denver on July 20 so he could appear that evening at a closed-door reception for the American Legislative Exchange Council, a group of conservative state legislators, lobbyists and industry groups that has pushed for more state control over federal lands.

And over the next two days, he was a featured speaker at a Republican committee roundtable and attended the Western Conservative Summit in Denver.

Eric Wolff contributed to this report.

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Report: Sebelius violated Hatch Act [Back](#)

By Jennifer Haberkorn | 09/12/2012 03:13 PM EDT

HHS Secretary Kathleen Sebelius violated the Hatch Act, which prohibits certain political activity, when she made "extemporaneous partisan remarks" during a speech in her official capacity earlier this year, the U.S. Office of Special Counsel said Wednesday.

The office sent an official report outlining the rare Hatch Act violation and Sebelius's response to President Barack Obama.

The special counsel's office said it "found no evidence that Secretary Sebelius made any other political statements in her official capacity."

During a speech to the Human Rights Campaign Gala in North Carolina in February, Sebelius said North Carolina Lt. Gov. Walter Dalton "needs to be the next governor of North Carolina." She also outlined the Obama administration's accomplishments so far and said, "One of the imperatives is to make sure that we not only come together here in Charlotte to present the nomination to the president, but we make sure that in November he continues to be president for another four years."

The Office of Special Counsel said she made the political remarks in her capacity as a federal employee and thus violated the Hatch Act. If Sebelius had made those remarks in her personal capacity, they would have been acceptable.

After that appearance, Sebelius had the event reclassified from official to political, and done in her personal capacity, in an attempt to avoid a Hatch Act violation. She and HHS also reimbursed the Treasury Department for all the costs associated with the trip. At least some of the cost was picked by the Democratic National Committee, according to the OSC.

But the OSC said the reclassification doesn't mean the violation didn't occur, particularly because the gala was advertised using Sebelius's HHS title.

"OSC concluded that Secretary Sebelius violated the Hatch Act by making extemporaneous political remarks," OSC Special Counsel Carolyn N. Lerner wrote in a letter to President Barack Obama. "As the upcoming elections approach, this report offers an opportunity to remind federal employees of the complex Hatch Act restrictions."

Hatch Act violations against sitting Cabinet secretaries are relatively rare.

"This particular type of violation, where you have a Cabinet secretary speaking at an event, is pretty uncommon," said Scott Coffina, a former associate counsel in President George W. Bush's White House and a partner at Drinker Biddle & Reath. He said there are "a lot of very garden-variety violations," citing federal employees who forward political emails or put up campaign photos.

Republicans immediately criticized Sebelius, and conservative groups called for her dismissal.

But Sebelius told the OSC that the endorsements of Obama and the government were unscripted and a "mistake." OSC quoted her as saying that she "got a little caught up in the notion that the gains which had been made would clearly not continue without the president's reelection."

Sebelius, in her response, said the ruling was "somewhat unfair" and the use of her title amounted to a "technical and minor" violation. She said that OSC should have concluded that the

violation was "corrected" when the event was reclassified as political.

OSC said that by reimbursing the Treasury, she didn't violate rules prohibiting government-funded political events, but it didn't correct the prohibition on making political statements in an official role.

"It is my understanding that the Hatch Act permits Cabinet members to engage in political activities, without regard to location and duty hours, due to the 24-hour nature of our jobs," Sebelius wrote. "I believe that you should have concluded that the consequence of my going 'off script' at an official event was to change the nature of my appearance for cost reimbursement purposes only.

"Keeping the roles straight can be a difficult task, particularly on mixed trips that involve both campaign and official stops on the same day," Sebelius wrote.

Republicans were quick to pounce on Sebelius's violation.

"That the secretary violated federal law in this manner is disturbing, but hardly a surprise," said Antonia Ferrier, spokeswoman for Sen. Orrin Hatch (R-Utah). (The law was named after a different Sen. Hatch: Sen. Carl Hatch of New Mexico.)

"Since almost day one, this administration has had a singular focus on politicking — not governing — that's borne out by the secretary ignoring a strict prohibition on electioneering while working for federal taxpayers," Ferrier said.

House Oversight Committee Chairman Darrell Issa said Obama should carefully consider how to respond to the report.

"As he decides the appropriate consequences for Secretary Sebelius, the president should consider the important leadership role of Cabinet secretaries and the example they must set for the entire executive branch," he said in a statement.

Conservative advocacy groups said the violation warranted her departure.

"This is the most high-profile example of a Hatch Act violation since the act was passed in 1939," said Dan Epstein, executive director of Cause of Action. "Never before has a member of the president's Cabinet been found to have committed a Hatch Act violation. President Obama should immediately fire HHS Secretary Sebelius for her violation of federal law."

Maureen Ferguson and Ashley McGuire of The Catholic Association said most of Sebelius's actions "have advanced the president's political interests" throughout her tenure. "We already know she is willing to violate the First Amendment rights of Americans for political purposes, so why should we be surprised when she bends other laws to score political points?"

This article first appeared on POLITICO Pro at 3:10 p.m. on September 12, 2012.

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White House to Cabinet: No private air travel without Kelly's approval [Back](#)

By Matthew Nussbaum | 09/29/2017 06:57 PM EDT

The White House cracked down on Cabinet officials' use of private planes Friday, telling them chief of staff John Kelly must approve almost all travel on "government-owned, rented, leased, or chartered aircraft," after Health and Human Services Secretary Tom Price resigned over his own taxpayer-funded flights.

Mick Mulvaney, the director of the Office of Management and Budget, sent out the memo soon after Price's resignation was made public. His exit came after a series of POLITICO reports about his frequent use of private planes to conduct government — and sometimes personal — business.

"In light of recent events, the President has asked me to remind the heads of all executive departments and agencies of Administration policies on travel," Mulvaney wrote.

He reminded the department and agency heads that, by regulation, "Government-owned, rented, leased, or chartered aircraft should not be used for travel by Government employees except with specific justification."

"However, beyond the law and formal policy, departments and agencies should recognize that we are public servants," Mulvaney wrote. "Every penny we spend comes from the taxpayer. We thus owe it to the taxpayer to work as hard managing that money wisely as the taxpayer must do to earn it in the first place."

Mulvaney added: "Put another way, just because something is legal doesn't make it right."

Officials should stick to commercial travel "with few exceptions," he wrote.

In the wake of the controversy, other administration officials' travels have come under scrutiny. Interior Secretary Ryan Zinke has used military planes for some trips, POLITICO reported, while EPA Administrator Scott Pruitt and Treasury Secretary Steven Mnuchin have also raised eyebrows with their travel itineraries.

President Donald Trump was livid over the Price scandal and accepted his resignation on Friday.

"We have great secretaries, and we have some that actually own their own planes, so that solves that," Trump told reporters earlier on Friday.

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FERC floats dozens of questions on DOE pricing proposal [Back](#)

By Darius Dixon | 10/04/2017 06:52 PM EDT

FERC opened the floodgates tonight for comments on the Energy Department's controversial resiliency pricing proposal, posting 53 questions and other requests for information about the rulemaking.

The [six-page document](#) signed by FERC's director for energy policy and innovation, groups the questions into broader categories looking for feedback on rates, the 90-day on-site fuel requirement envisioned by DOE, and how pricing changes would be implemented, among other issues.

But many of the questions, which are open to anyone seeking to comment before FERC's initial comment deadline of Oct. 23, are directed at the foundation of DOE's proposal.

For example, DOE's 19-page proposal leans heavily on the grid stresses that occurred during the "polar vortex" to press for new regulatory action. But, FERC doesn't treat the premise as a given. "The proposed rule references the events of the 2014 Polar Vortex, citing the event as an example of the need for the proposed reform. Do commenters agree?"

There are also questions directed at how on-site fuel would address power outages triggered by damage to the electric transmission and distribution system, and several questions seeking to define ostensibly basic information about how the 90-day fuel supply concept should be applied.

WHAT'S NEXT: FERC's initial comment deadline is Oct. 23, with reply comments due Nov. 7.

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Judge says Interior delay of methane waste rule was illegal [Back](#)

By Alex Guillén | 10/04/2017 07:32 PM EDT

A federal judge [ruled](#) today that the Bureau of Land Management's June postponement of key compliance dates for the methane waste rule was unlawful.

BLM relied on Section 705 of the Administrative Procedure Act to justify the delay. But Magistrate Judge Elizabeth Laporte of the U.S. District Court for Northern California said it was too late because the rule's effective date had already passed. That means BLM should have gone

through a round of notice-and-comment rulemaking before suspending any part of the rule, she said.

Coincidentally, the ruling came on the same day that Interior proposed an 18-month delay of the methane waste rule as it works to rewrite it.

Laporte's ruling acknowledges the pending rulemaking but said it could be months before it is finalized and takes effect, and may not survive its own legal challenge, giving her no reason to pause now.

She vacated the delay and ordered the requirements reinstated. She rejected BLM's arguments that the delay should be kept in place, saying that doing so would create "a free pass for agencies to exceed their statutory authority and ignore their legal obligations under the APA, making a mockery of the statute." And Laporte said any company that misses upcoming January deadlines because of Interior's delay is in "a problem to some extent of their own making."

Laporte previously used similar legal reasoning to strike down Interior's delay of a resource valuation rule.

WHAT'S NEXT: BLM will take public comment for 30 days on its new proposal to delay the methane waste rule.

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BLM proposes 18-month delay to methane rule [Back](#)

By Ben Lefebvre | 10/04/2017 09:59 AM EDT

The Interior Department proposed to suspend enforcement of an Obama-era rule on methane emissions for 18 months as it plans to rewrite it, according to a document to be filed tomorrow in the Federal Register.

"The BLM is currently reviewing the 2016 final rule and wants to avoid imposing temporary or permanent compliance costs on operators for requirements that may be rescinded or significantly revised in the near future," the agency said in the document.

The agency said it is concerned that the final rule analysis "may have underestimated costs and overestimated benefits, and [BLM] is therefore presently reviewing that analysis for potential inaccuracies."

The 2016 rule was intended to require oil and gas developers on federal lands to capture more of the methane that leaked during their operations. The rule went into effect in January 2017 and survived an effort by Congressional Republicans to repeal it.

WHAT'S NEXT: BLM will accept public comments on the proposal for 30 days.

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Draft EPA strategic plan drops all reference to climate change [Back](#)

By Alex Guillén | 10/04/2017 04:26 PM EDT

The Trump administration has dropped all mention of climate change or rules to reduce carbon emissions from a strategic plan outlining EPA's priorities for the next four years, according to a draft obtained by POLITICO.

The [draft](#) was circulated around EPA for comment earlier today along with an accompanying one-page [graphic](#).

The document creates a new framework for EPA's mission that reflects the management style of Administrator Scott Pruitt. It defines EPA's "core mission" as ensuring clean air, water and land. It calls for more "cooperative federalism" to empower state governments. And it touts the "rule of law and process," which is meant to "refocus the Agency on its statutory obligations under the law."

The draft was released to EPA employees just days after Pruitt missed a key statutory deadline to implement the 2015 ozone standard. EPA has offered no update on that issue.

"I believe this draft Plan provides the foundation for a more efficient and effective agency, enabling us to accelerate progress and deliver real, tangible results for the American people," Pruitt wrote in an [email](#) to EPA staff today.

The [previous strategic plan](#) released by the Obama administration in 2014 listed climate change as "goal one," along with broader air quality issues. The new draft plan makes no mention of climate change, though it does address non-climate air issues, as well as a litany of other regulatory, permitting and administrative goals for EPA.

WHAT'S NEXT: EPA will publish the draft plan in Thursday's Federal Register and take comments through Oct. 31.

Lorraine Woellert contributed to this report.

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Lorraine Woellert contributed to this report.

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Murkowski pressing to have FERC nominees approved this week [Back](#)

By Darius Dixon | 10/04/2017 04:17 PM EDT

Sen. [Lisa Murkowski](#) is aiming to have President Donald Trump's two pending FERC nominees confirmed before the Senate flies off for its recess at the end of the week.

"I was talking with our leadership today about it. I want to try to get it shook loose before we take a break," the Alaska Republican, who chairs the Senate Energy and Natural Resources Committee, said of the nominees. The Senate is not scheduled to be in session next week.

Kevin McIntyre, Trump's pick to chair the agency, and Rich Glick, who serves as general counsel to energy committee Democrats, were approved by Murkowski's committee on a voice vote last month to become FERC members.

Sen. Maria Cantwell, the top Democrat on the energy committee, has said she was "favorably impressed" by McIntyre who, when confirmed by the full Senate with Glick, will bring FERC's leadership board back to full strength for the first time since late 2015.

WHAT'S NEXT: The Senate is scheduled to be on recess for the week of Columbus Day and is rarely in session on Friday, suggesting that the FERC nominees could be confirmed in the next day or so.

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White House seeks nearly \$30B in disaster aid package [Back](#)

By Sarah Ferris | 10/04/2017 06:13 PM EDT

The White House this afternoon formally requested nearly \$30 billion in emergency funding for its ongoing recovery efforts in hurricane-battered regions like Puerto Rico, Florida and Texas.

In a letter to congressional leaders, the Trump administration asked for \$12.8 billion for FEMA's disaster relief fund, \$16 billion for the National Flood Insurance Program and \$576.5 million for the forest service's firefighting fund.

"We need the help of Congress to stabilize the affected communities and replenish dwindling and depleted funds," Office of Management and Budget chief Mick Mulvaney wrote. He said the money should be classified as "emergency spending," meaning it would not require spending offsets.

House and Senate appropriators immediately released statements in support of the White House's request and pledged to act quickly. House Appropriations Chairman Rodney Frelinghuysen (R-N.J.) said he would "put legislation forward as soon as possible."

Rep. Nita Lowey, his Democratic counterpart on the panel, said she supported Trump's request for FEMA, but added it needed to go further.

"Congress should add to this request by appropriating funding for flexible Community

Development Block Grants; rebuilding coastlines, roads, transit systems, airports, ports, and other infrastructure; small business loans; and repairs to military installations and other federal facilities damaged in the storms," said Lowey, of New York.

The White House's request had previously been reported by POLITICO.

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Embattled GOP Rep. Tim Murphy to retire [Back](#)

By Rachael Bade, Elena Schneider and John Bresnahan | 10/04/2017 02:44 PM EDT

Rep. Tim Murphy of Pennsylvania announced Wednesday that he will retire at the end of his term, after allegations that the married Republican lawmaker, who opposes abortion rights, asked his mistress to terminate a pregnancy.

Murphy admitted several weeks ago to an affair with forensic psychologist Shannon Edwards — news that came to light during the woman's divorce proceedings with her husband.

"After discussions with my family and staff, I have come to the decision that I will not seek reelection to Congress at the end of my current term," Murphy said in his statement. "I plan to spend my remaining months in office continuing my work as the national leader on mental health care reform, as well as issues affecting working families in southwestern Pennsylvania."

Murphy added: "In the coming weeks I will take personal time to seek help as my family and I continue to work through our personal difficulties and seek healing. I ask you to respect our privacy during this time."

Murphy met privately with Speaker Paul Ryan (R-Wis.) before his retirement announcement, as well as with Pennsylvania GOP Reps. Bill Shuster and Charlie Dent.

A number of top Republicans have said privately that Murphy should retire or resign in light of the scandal.

The Pittsburgh Post-Gazette reported Tuesday that Murphy suggested Edwards get an abortion during a pregnancy scare, citing leaked text messages between the two.

"And you have zero issue posting your pro-life stance all over the place when you had no issue asking me to abort our unborn child just last week when we thought that was one of the options," Edwards texted to Murphy in late January, according to the Post-Gazette.

Edwards was responding to a Facebook post by Murphy touting his anti-abortion position in Congress. Murphy is a member of the House Pro-Life Caucus and voted Tuesday for legislation

to ban abortions after 20 weeks.

The story also highlighted a toxic work environment in Murphy's office, citing a June 8 memo in which his chief of staff, Susan Mosychuk, warned Murphy about mistreating staff. The document, titled "Office Conduct and Behavior: Harassment/Legal Compliance," suggests there was a "pattern of sustained inappropriate behavior."

Mosychuk wrote that the office has experienced 100 percent staff turnover over the past several years and attributed it to the congressman's behavior. She said he often worked staff through the weekends, only to berate them for failing to meet expectations.

Murphy's district leans heavily Republican, backing Donald Trump by almost 20 points in 2016 and Mitt Romney by nearly 17 points in 2012. It is likely to remain in Republican hands.

Indeed, national Democrats scoffed at the idea that Democrats might be able to retake the seat — even if Murphy, crippled from scandal, were to run again. One Democratic consultant called it "completely unwinnable" as an open seat.

"[Murphy] is certainly weaker today than he was yesterday, but it'd be a stretch to say this is a Democratic pickup opportunity," another national Democratic strategist said.

The chairman of the National Republican Congressional Committee, Rep. Steve Stivers of Ohio, likewise said in a statement late Wednesday evening that he was "confident" the district would stay in GOP hands next year.

"While I am extremely disappointed in the circumstances surrounding Congressman Murphy's retirement, I remain confident that PA-18 will remain under Republican control next year," Stivers said. "I look forward to working with the eventual Republican nominee to ensure the district's conservative values are represented in Congress."

Still, Democrats on the ground are more hopeful, pointing to competitive down-ballot results in the district.

"It's a tough district, no doubt about it, but Democrats have been able to keep it close in other races," said Mike Mikus, a longtime Democratic operative in the state. "I think you'll see more Democrats taking a look at this and considering jumping in now."

A handful of Democrats are already in the race, including Pam Iovino, a Navy veteran and former Veterans Affairs official; Mike Crossey, a former member of the Allegheny County Council; and Bob Solomon, a physician.

But former Rep. Jason Altmire — a centrist Democrat who represented Western Pennsylvania and lost his seat, partially due to redistricting, in 2012 — said "it would have to be the right kind of Democrat" to put the seat in play.

"If you had a social conservative Democrat, it's been proven that a Democrat like that and who

fits that mold can win," Altmire said.

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MSHA nominee: 'I was not proud' of violations notice [Back](#)

By Ian Kullgren | 10/04/2017 05:55 PM EDT

President Donald Trump's nominee for assistant secretary of Labor for Mine Safety & Health told a Senate committee today that his coal company ignored safety conditions at one of its mines.

David Zatezalo was chairman of Rhino Resources when it received pattern of violation notices in 2010 and 2011, the Charleston Gazette-Mail previously reported. The company was later fined when a wall collapsed, killing a worker.

When questioned by Sen. [Tim Kaine](#) (D-Va.) about the notice, Zatezalo blamed the mine manager.

"The management of that particular group and that particular site was not doing what they should have been doing," Zatezalo said. "I was not proud of the fact that we got designated as a [potential pattern of violations] mine. I did not try to lawyer up and stop anything from happening."

"I replaced that management," he added, "because I wasn't too happy with their performance and hadn't been for sometime."

Zatezalo appeared before the Senate HELP Committee for a confirmation hearing with Cheryl Stanton and Peter Robb, Trump's nominees for Wage and Hour Division administrator and NLRB general counsel, respectively. Few senators showed up to the hearing, though, and [Patty Murray](#) (D-Wash.) complained that the Senate's busy schedule didn't leave enough time to probe as deeply as she would have liked.

Zatezalo assured Kaine that he wouldn't have a problem working with career staff at MSHA who issued the notice to his company.

"They did what they were supposed to do," he said.

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Sent: Wed 10/4/2017 6:50:50 PM
Subject: EPA Announces Appointment of Cosmo Servidio to Region 3 Administrator

CONTACT: press@epa.gov

EPA Announces Appointment of Cosmo Servidio to Region 3 Administrator

WASHINGTON (October 4, 2017) –Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt announced the appointment of Cosmo Servidio of Pennsylvania to become regional administrator for Region 3. Mr. Servidio will oversee environmental protection efforts in Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia.

Cosmo Servidio currently holds the position of director of environmental affairs for the Bucks County Water and Sewer Authority in Pennsylvania where he plays a vital leadership role in one of the state's largest water and wastewater utilities. Mr. Servidio oversees operations and facility planning to help identify needed improvements to maintain essential water and wastewater services and provides oversight to ensure utilities comply with all state and federal requirements. Prior to joining Bucks County Water and Sewer Authority, Mr. Servidio served as regional director for the Pennsylvania Department of Environmental Protection for the Southern Region, where he worked to ensure staff implemented the Department's priorities to improve air quality, waste management, radiation protection, remediation, conservation, safe drinking water, dam safety, and clean water programs.

Mr. Servidio also served as the chief of staff for EPA's Region 2 headquarters from 2005-2009, where he helped administer federal programs in implementing the Agency's mission in New Jersey, New York, Puerto Rico, and the U.S. Virgin Islands.

"Cosmo Servidio has spent much of his career providing administrative support for institutions that provide healthy environmental outcomes for the public," **said Administrator Pruitt.** "He brings federal, state, and local administrative experience working in the environmental field and will provide exceptional leadership for Region 3."

Cosmo Servidio's appointment is receiving support from across the region:

Douglas Bilheimer, Executive Director, Pennsylvania Municipal Authorities Association: "We are very pleased to learn that Cosmo Servidio has been appointed to serve as director of EPA Region 3. Mr. Servidio's background at Pennsylvania's Department of Environmental Protection and most recently with one of our largest most progressive municipal authorities will serve him well in his new responsibilities."

Austin Caperton, Secretary of the West Virginia Department of Environmental Protection: "I was very encouraged by my first meeting by phone with Cosmo Servidio. He is obviously experienced and qualified for the position. It was clear that he believes in cooperative federalism and the rights of states. He is clearly in line with the current administration. But most important to me: he listened!"

Ben Grumbles, Maryland Secretary of the Environment: "Cosmo is a seasoned environmental

professional who knows how to build partnerships for progress throughout our region."

Debra McCarty, Commissioner of the Philadelphia Water Department: "Cosmo Servidio is an excellent appointment. He was good to work with at the PA DEP and will bring pragmatism, experience and commonsense to the EPA. I look forward to again working him in this new role to protect the environment."

Maya K. van Rossum, Delaware Riverkeeper: "Cosmo Servidio is the best choice for Regional Administrator. He is highly regarded by throughout the environmental community. This respect has been earned by the fair minded and forthright decisions and actions taken by Cosmo to implement the law and achieve the goals of community and environmental protection. Even if there was a decision Cosmo made in his role as regional director at PADEP that I didn't like or agree with, I always knew it was a decision grounded in the facts, the law and one that Cosmo truly believed was the right outcome. I might not always like the answers Cosmo gave me as a regulator, but I always knew I could trust that he was telling me the truth. That kind of integrity from a Regional Administrator is critical for success, particularly in today's political climate."

Wilmer Stoneman, Director of Commodities and Marketing, Virginia Farm Bureau: "Virginia Farm Bureau certainly welcomes this opportunity to work with Mr. Servidio to balance the needs of Virginia Farmers and the Chesapeake Bay."

Jeff Warmann, CEO and President, Monroe Energy LLC: "Cosmo's leadership is unparalleled. He has a keen ability to bring regulators and business together, ensuring that they communicate effectively and that their shared goals of protecting the environment are achieved. Cosmo and his team were readily available to answer any questions we had or to provide guidance when needed. I want to congratulate Cosmo on his appointment to Region Three Administrator; I know that he will do a tremendous job."

Rob Wonderling, President and CEO of the Chamber of Commerce for Greater Philadelphia: "On behalf of the Chamber of Commerce for Greater Philadelphia we applaud the recent appointment of Cosmo Servidio as the Region III EPA Administrator. Cosmo has served our region well as a public servant and business leader who keenly understands that environmental stewardship and economic growth require consensus, collaboration, and a modern approach to policy and regulation. Cosmo has a proven track record of being a highly energetic leader and innovative leader who actively listens to all sides and perspectives related to complex environmental issues. He also has a keen eye on global trends, solid science, and macroeconomic opportunities that will serve our region and nation well in this new assignment."

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Washington, D.C. 20004

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 10/4/2017 4:32:28 PM
Subject: Appeals court cancels arguments on second LNG challenge

By Darius Dixon

10/04/2017 12:28 PM EDT

A three-judge federal appeals panel today canceled oral arguments on a lawsuit from the Sierra Club challenging the Energy Department's approval of the Cove Point liquefied natural gas export application.

"The court concludes, on its own motion, that oral argument will not assist the court in this case," according to an order agreed to by D.C. Circuit Court of Appeals judges David Tatel, Harry Edwards and David Sentelle.

The oral arguments had been scheduled for Oct. 18.

Environmentalists said that the agency didn't properly estimate how the gas shipments might increase prices domestically, potentially boost coal use in the power system or increase greenhouse emissions. DOE had defended itself by arguing that producing the numbers Sierra Club is seeking would be so speculative as to be meaningless.

The cancellation isn't a big surprise after the Sierra Club lost a similar lawsuit against the agency over its approval Freeport's LNG export application in August, *Sierra Club v. DOE*, 15-1489. The group did not appeal the decision, unanimously opted to defer to DOE's "reasoned explanation as to why it believed the indirect effects pertaining to increased gas production were not reasonably foreseeable."

Sentelle, a senior circuit judge, is on both cases.

WHAT'S NEXT: Now that the judges intend to make a decision on the case, *Sierra Club v. DOE*, 16-1186, without having oral arguments, a decision may be released in the next few weeks.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/10/appeals-court-cancels-arguments-on-second-lng-challenge-093914>

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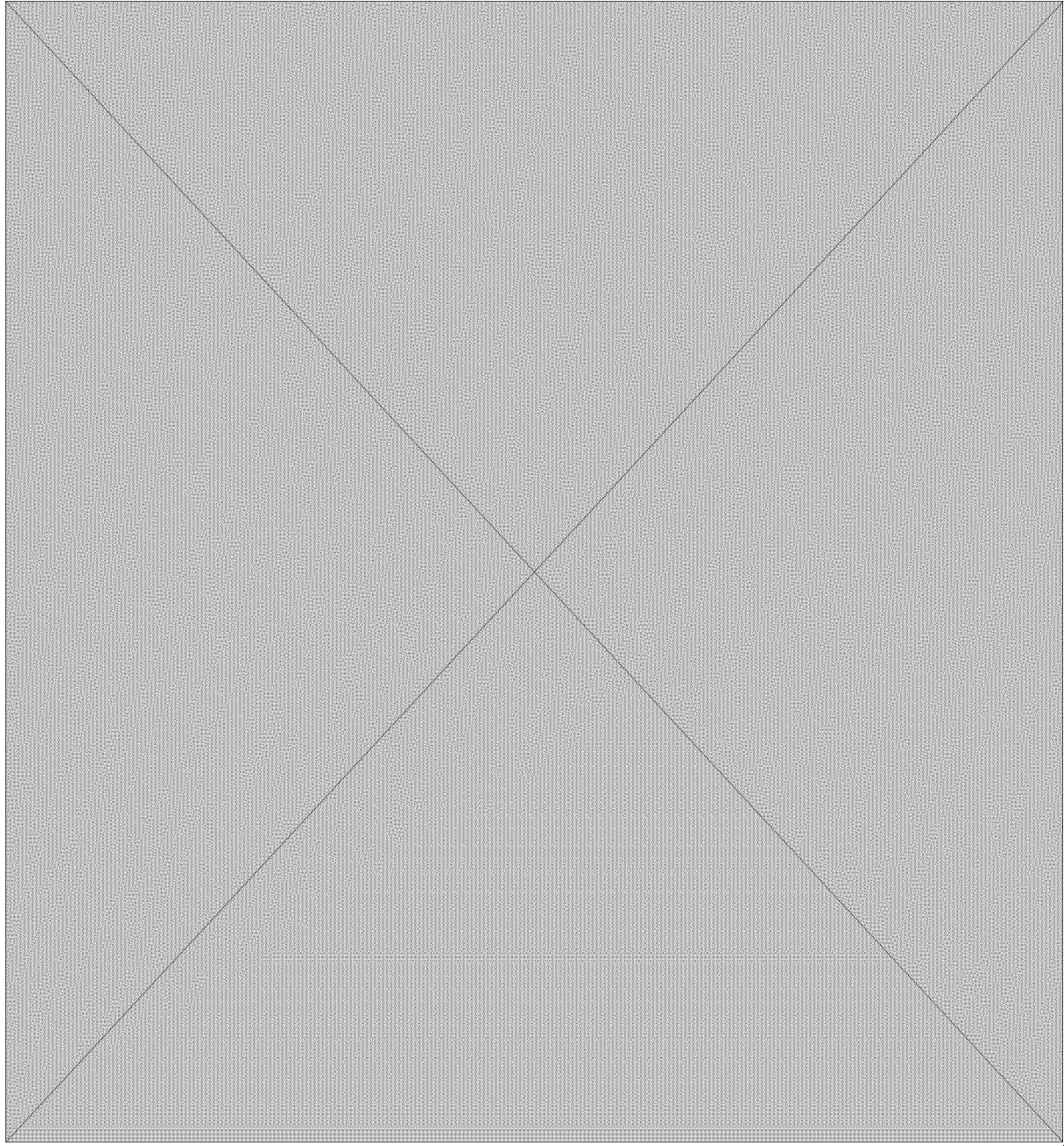
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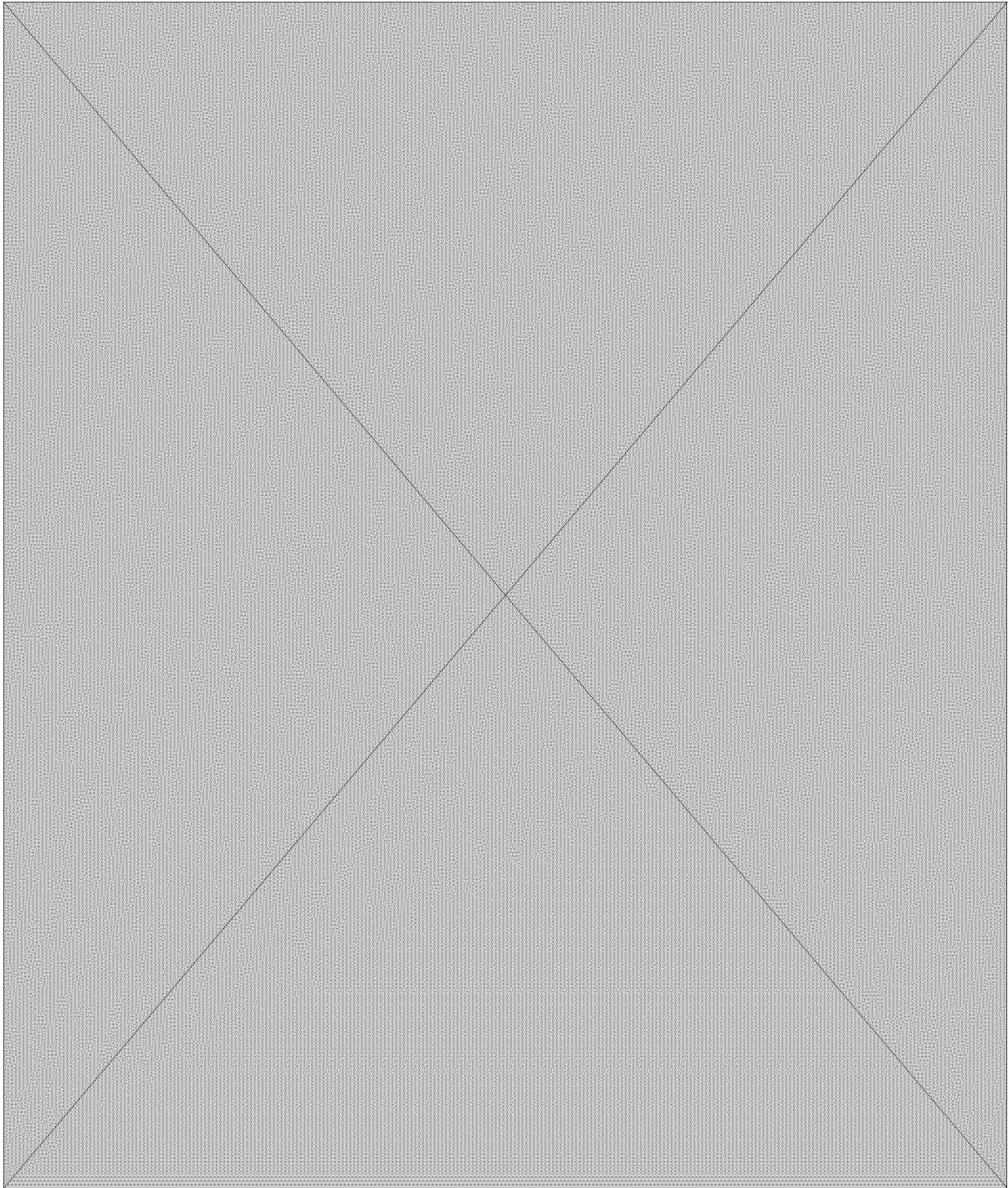
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Wed 11/8/2017 4:01:28 PM
Subject: Sponsored by Airlines for America: Bipartisan Opposition to Airport Tax (PFC)





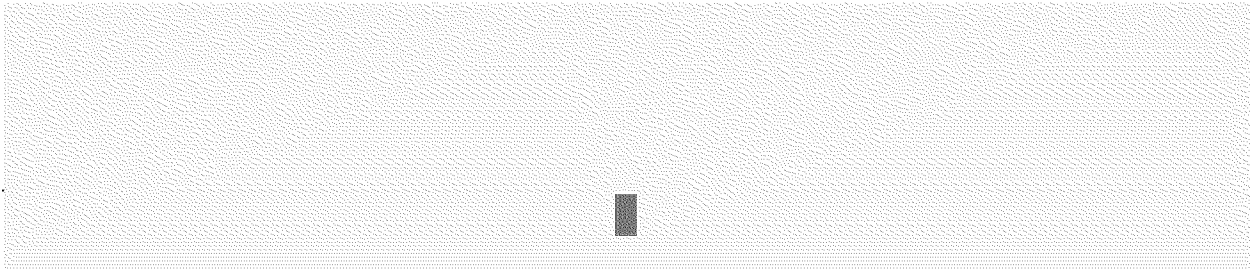
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Wed 11/8/2017 1:52:31 PM
Subject: Morning Consult Washington, Presented by PhRMA: Democrats Win Governor Races in Virginia, New Jersey

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro
Sent: Wed 11/8/2017 1:21:15 AM
Subject: Northam wins Virginia governor's race

By POLITICO Pro Staff

11/07/2017 08:19 PM EDT

Democrat Ralph Northam has won the Virginia governor's race, defeating Republican Ed Gillespie.

Northam, the lieutenant governor, had 51 percent of the vote to Gillespie's 48 percent when the Associated Press called the race with 60 percent of precincts reporting.

See results [here](#).

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/11/northam-wins-virginia-governors-race-095327>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro
Sent: Wed 11/8/2017 1:13:20 AM
Subject: Murphy wins New Jersey governor race

By POLITICO Pro Staff

11/07/2017 08:11 PM EDT

Democrat Phil Murphy has won New Jersey's governor's race, defeating Republican Lt. Gov. Kim Guadagno, according to three news networks (ABC, CNN and NBC) that called the race based on exit polling.

No votes have been reported yet in the race between Murphy, a former executive at Goldman Sachs, and Guadagno. The polls closed at 8 p.m.

Murphy held a wide lead in public polling, and unpopular Republican Gov. Chris Christie proved to be a big drag on his former running mate.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/11/murphy-wins-new-jersey-governor-race-095325>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy
Sent: Mon 11/13/2017 10:48:14 AM
Subject: Morning Energy, presented by Chevron: Trump team not pitching Paris renegotiation in Bonn — NERC head on leave after arrest — Perry raises eyebrows with roundtable for big donors

By Anthony Adragna | 11/13/2017 05:45 AM EDT

With help from Emily Holden

LAISSEZ LES BONN TEMPS ROULER? Government officials and industry executives will urge developing countries to pursue "cleaner" fossil fuel and nuclear power in a presentation today in Bonn, Germany, Pro's Emily Holden [reports](#). At tonight's event George David Banks, special assistant to President Donald Trump on energy and environment, will make introductory remarks, while Francis Brooke, an aide to Vice President Mike Pence, moderates a discussion with executives from the liquefied natural gas company Tellurian, the coal company Peabody Energy and the nuclear power company NuScale. Barry Worthington, director of the U.S. Energy Association who will participate in the discussion alongside industry executives, told [Climate Home News](#) that striking fossil fuel trade deals was a major goal of the presentation.

Not on the agenda? Paris. Diplomats entering the second week of the COP23 climate negotiations won't be getting any hints from the U.S. delegation about how to convince Trump to stay in an international deal to slash greenhouse gas emissions. A White House official briefing reporters last week said climate mitigation is a "lesser priority" than energy security and economic development, "but it's still a priority" for the White House. "The president has left the door open, the president has said multiple times that he's willing to reconsider our engagement in the Paris agreement if we can find a fairer deal that works for American businesses, taxpayers, consumers, so yeah it's up to the president," the official told reporters.

Out of the shadows: A host of prominent Democratic officials, including five senators, stressed over the weekend that the U.S remained committed to action on climate change despite Trump's stance on issue, POLITICO California's David Siders and Emily [report](#). "I want to make it clear: The federal government is not just the president of the United States," Sen. [Ben Cardin](#), ranking member on the Foreign Relations Committee, [told activists](#) on Saturday. The senators met with delegations from India, Japan, the European Union, Mexico, Indonesia and Canada to assuage concerns about U.S. inaction. They also participated in side events including one decrying efforts to [weaken](#) automobile CAFE standards.

Governors tout actions too: Four Democratic governors — Virginia's Terry McAuliffe, California's Jerry Brown, Washington's Jay Inslee and Oregon's Kate Brown — plan to highlight their climate ambitions in a panel this morning with Christiana Figueres, former executive secretary of the UNFCCC. And that comes after Jerry Brown and former New York mayor Michael Bloomberg, released [a report](#) touting the role of U.S. states and cities in addressing climate change that nonetheless acknowledged non-federal efforts won't be sufficient to meet the 26 to 28 percent emissions reductions below 2005 levels that the U.S. promised by 2030.

Steyer stays focused (on impeachment): Tom Steyer, the billionaire Democratic donor, on

Sunday morning made his case for impeaching Trump to Democrats in Bonn, asking them to "confront the liars and deniers," David also [reports](#). The governors seemed unimpressed, and Steyer acknowledged himself that congressional Republicans, not voters, would have to back his impeachment campaign for it to work.

IT'S ANOTHER MONDAY! I'm your host Anthony Adragna, and NRDC's Ed Chen was first up to identify the L.A. County board of supervisors as the body with two former congresswomen (Janice Hahn and Hilda Solis). For today: Rahm Emanuel is the most famous former congressman-turned-mayor but there's another former member that now runs the largest city in their state. Who is it? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#) and [@POLITICOPro](#).

NERC CHIEF ON LEAVE AFTER ARREST: Gerry Cauley is on a leave of absence from the North American Electric Reliability Corporation "[until further notice](#)" following his arrest on a domestic violence charge. The Atlanta Journal-Constitution [reports](#) Cauley has been charged with a misdemeanor, battery/family violence. Charles Berardesco has been named interim CEO.

EYEBROWS RAISED BY PERRY ROUNDTABLE: Energy Secretary Rick Perry headlines an intimate gathering today on behalf of the pro-Trump outside group America First Policies in a growing trend of giving donors access to Cabinet officials that many worry is an ethical gray area, POLITICO's Maggie Severns [reports](#). Perry won't solicit donations but America First officials plan to ask for contributions after he departs. He's allowed to take part in events for the group's nonprofit policy arm, which is legally separate from the super PAC even though the same officers run both groups.

But campaign finance reform advocates say the arrangement takes advantage of a loophole. "This is all part of the very close coordination we're seeing between the campaign itself and what's supposedly an outside group," said Craig Holman, the government affairs lobbyist at the good-government group Public Citizen.

INSIDE LOOK AT PRESSURE ON PERRY'S GRID STUDY: Alison Silverstein, the veteran energy consultant who authored Perry's electric grid study, resisted pressure from the agency to blame regulations for the struggles of coal and nuclear plants, Forbes [reports](#). After being hit for not faulting regulations in the first draft, Silverstein said she asked officials to provide data to back up their assertion: "I said, 'Bring me the data. I've been in the building three or four weeks now, you guys are the ones who own the issue. Prove to me, bring me all of your research on how regulation has killed these.' 'Well, we don't have any.' 'Then how am I supposed to do this?'"

ACTIVISTS WILL BE PROSECUTED: The Justice Department said Friday it would aggressively prosecute activists who damage pipelines or "critical energy infrastructure in violation of federal law," Reuters [reports](#). That comes after more than 80 House members [sought information](#) on what DOJ planned to do about an increase in protest activities around pipelines in a late October letter.

ON TAP IN CONGRESS — DISASTER AID REQUEST EXPECTED: The latest disaster

relief request is expected to arrive on Capitol Hill sometime this week and is likely to top \$50 billion, Pro Budget and Appropriations Brief [reports](#). Like the two previous requests, it won't be broken down state-by-state. But the governors of Puerto Rico and the U.S. Virgin Islands will be town to push for recovery funds and the Texas congressional delegation hopes to meet with OMB Director Mick Mulvaney to make their case for their full \$61 billion request.

Speaking of which, Puerto Rico Gov. Ricardo Rosselló and Del. [Jenniffer González](#) hold a press conference at 11 a.m. today at the Hall of States to make their case.

And you're out: Abner Gómez resigned his post as head of Puerto Rico's emergency management department on Friday and Lt. Gen. Jeffrey Buchanan, who led the Trump administration's military response to the hurricanes, will be reassigned off the island this week, [CNN reports](#).

And remember Whitefish? While senior linemen from Florida working on grid restoration work on behalf of Whitefish Energy earned \$63 an hour working in Puerto Rico, the tiny Montana-based company billed the island's utility \$319 an hour for linemen, the New York Times [reports](#). Experts said those charges were well above normal, even for emergency work, though a spokesman for the company defended the charges, saying "simply looking at the rate differential does not take into account Whitefish's overhead costs," included in the rate.

Status check: More than 7 weeks after Hurricane Maria hit, more than 52 percent of the island remains in the dark and more than 10 percent of residents still lack drinking water, according to [government figures](#).

MINE SAFETY PICK COULD GET VOTE: Senate Majority Leader [Mitch McConnell](#) filed cloture last week on David Zatezalo's selection to be the administration's mine safety chief, teeing up a final confirmation vote as soon as this week. He chaired the coal company Rhino Resources when it received pattern of violation notices in 2010 and 2011, but [said during his confirmation hearing](#) he wouldn't have a problem working with career staff at MSHA that issued those notices.

FLOOD INSURANCE READY TO ROLL! House Republicans are ready to try again with a revised version [H.R. 2874 \(115\)](#) of their flood insurance reauthorization and the Rules Committee [meets today](#) at 5 p.m. That comes even as coastal lawmakers [continued to raise](#) concerns with the proposal. Pro Financial Services' Zachary Warmbrodt with more [here](#).

FORMER EPA ATTORNEYS BASH PRUITT ORDER: Fifty-seven former EPA career attorneys today sent [a letter](#) to Administrator Scott Pruitt "to correct the many mistakes of law and fact" concerning his [October directive](#) boosting the role of industry in settlement negotiations. "It is EPA's failure to comply with legal requirements that is the problem, not the people who sue EPA, the courts that hear the suits, or the EPA and DOJ staff who faithfully negotiate settlements that provide EPA longer and more flexible schedules than it would receive if there were no settlement," they wrote. The former agency attorneys urge Pruitt to revise the directive to promote "fair, transparent, and efficient settlement of well-founded suits against the agency."

NORTH CAROLINA OFFICIAL ALSO ON LEAVE: Donald van der Vaart, a recent appointee to EPA's Scientific Advisory Board and top North Carolina environmental regulator during the prior Republican governor's term, has been placed on "investigatory leave," The News & Observer reports. Van der Vaart's selection to the advisory board generated significant controversy and prompted the new head of the state's Department of Environmental Quality to say he didn't represent North Carolina on the EPA board. His deputy John Evans was also placed on "investigatory leave" for unspecified reasons. Both men demoted themselves to be shielded from termination under the new incoming Democratic administration.

WHY BROWN'S A CLIMATE WARRIOR: David Siders' entire profile of Brown is worth your time but of particular interest to ME readers is why termed-out governor has devoted so much energy to climate change. "I find a lot of what is included in politics doesn't count that much, at least for my salvation or my peace of mind or my interest in life," Brown said. The climate, he went on, "is fundamental. It's not like dietary requirements. It's not like a tax measure, or a school curriculum, or many of the issues, even a crime bill. It goes to the essence of being alive, living things. Whether it's humans or fauna, flora, the basis of life is embedded in this chemical structure, biological structure. And it's threatened."

But not good enough for some: Environmental activists interrupted Brown's speech in Bonn Saturday, shouting his refusal to ban fracking in California was a major blemish on his record. But the long-time governor shot back, according to The Sacramento Bee, "I agree with you, 'in the ground. Let's put you in the ground so we can get on with the show here.'"

**** A message from Chevron:** When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat—buckwheat. Watch the video: <http://politi.co/2yQ8q7z> **

MAIL CALL! SAVE TANGIER! Virginia Sens. Tim Kaine and Mark Warner asked Trump in a letter to follow through on his pledge to protect Tangier Island, thought likely to become uninhabitable within 50 years due to rising seas. "We can debate the causes for why this is happening, but regardless, the effects are clear. It is urgent that we address those effects," they wrote.

FOR YOUR RADAR: Delaware Gov. John Carney and Rep. Donald Norcross headline a rally today at the Delaware City Refining Company at 10 a.m. urging Trump to fix the Renewable Fuel Standard to protect East Coast refining jobs.

HIGH PRICE TO PAY? Food and Water Watch and Greenaction for Health and Environmental Justice are out with a report arguing pollution trading programs are "undermining successful environmental laws like the Clean Air Act and the Clean Water Act" by allowing industries to pay to pollute and that they inflict the brunt of the damage on low-income and minority communities. Read it here.

QUICK HITS

- \$300 Billion War Beneath the Street: Fighting to Replace America's Water Pipes. [New York Times](#).
- California Westlands water settlement in limbo. [High Country News](#).
- Can Carbon-Dioxide Removal Save the World? [New Yorker](#).
- Schwarzenegger calls on climate activists to change methods. [AP](#).
- Lessons From Hurricane Harvey: Houston's Struggle Is America's Tale. [New York Times](#).
- Canada, U.K. team up in push to end coal-power use. [The Globe and Mail](#).

HAPPENING THIS WEEK

MONDAY

2:00 p.m. — The Environmental and Energy Study Institute hosts [briefing](#) to examine how high-octane, low-carbon fuel can enable CAFE compliance, Dirksen 106

2:00 p.m. — "[Approaches for International Collaboration and Financing for CCUS Pilot Projects](#)," U.S. Energy Association, 1300 Pennsylvania Ave NW, Suite 550

5:00 p.m. — The House Rules Committee holds hearing on [H.R. 2874 \(115\)](#), the National Flood Insurance Program reauthorization bill, H-313

TUESDAY

9:30 a.m. — "[Hurricane Recovery Efforts in Puerto Rico and the U.S. Virgin Islands](#)," Senate Energy and Natural Resources Committee, Dirksen 366

9:30 a.m. — The NAACP, Clean Air Task Force and National Medical Association hold briefing to unveil report on impacts of oil and gas development on African-American communities, National Press Club, 529 14th St NW

10:00 a.m. — "[Response and Recovery to Environmental Concerns from the 2017 Hurricane Season](#)," House Energy and Commerce Environment Subcommittee, Rayburn 2123

10:00 a.m. — "[Legislative Hearing on S. 1857, S. 203, S. 839 and S. 1934](#)," Senate Environment and Public Works Clean Air and Nuclear Safety Subcommittee, Dirksen 406

11:30 a.m. — SEEC, Center for American Progress, the League of Conservation Voters, and more hold press conference touting commitment to Paris accord, Senate swamp

2:00 p.m. — "[The Need for Transparent Financial Accountability in Territories' Disaster Recovery Efforts](#)," House Natural Resources Committee, Longworth 1324

2:00 p.m. — "Sustaining U.S. Leadership Against Nuclear Terrorism and Proliferation," Hudson Institute, 1201 Pennsylvania Avenue NW, Suite 400

4:00 p.m. — "Status and Prospects for U.S. Nuclear Power," John Hopkins SAIS, Room 806, 1619 Massachusetts Avenue NW

WEDNESDAY

8:00 a.m. — Roll Call Live's "Energy Decoded," Newseum, 555 Pennsylvania Ave NW, 8th Floor Knight Conference Center

9:00 a.m. — Business Meeting to consider Reconciliation Legislation, Senate Energy and Natural Resources Committee, Dirksen 366

10:00 a.m. — "Legislative Hearing on Bills to Empower Indian Tribes, Promote Self-Determination," House Natural Resources Indian, Insular and Alaska Native Affairs Subcommittee, Longworth 1324

10:00 a.m. — House Science Committee markup of several bills, Rayburn 2318

10:00 a.m. — "Promoting American Leadership in Reducing Air Emissions Through Innovation," Senate Environment and Public Works Committee, Dirksen 406

10:00 a.m. — The Information Technology and Innovation Foundation holds a panel discussion on "ARPA-E: A Catalyst of Clean Energy Innovation," 1101 K Street NW, Suite 610A

10:30 a.m. — "Legislative Hearing on National Park, Fish and Wildlife Service Bills," House Natural Resources Federal Lands Subcommittee, Longworth 1334

12:30 p.m. — "Coming Clean: Improving Transparency and Accountability to End Pollution's Chokehold on Development," World Resources Institute, 10 G Street NE, Suite 800

2:00 p.m. — "Nord Stream and European Energy Security," Jamestown Foundation, Choate Conference Room, Carnegie Endowment for International Peace, 1779 Massachusetts Avenue, NW

6:00 p.m. — Press briefing on Marine Mammal Protection Act featuring Actress Miranda Cosgrove, Rayburn 2045

THURSDAY

8:30 a.m. — Progressive Policy Institute and Common Good host a Capitol Hill forum on "Rebuilding America: What Are We Waiting For?" The Reserve Officers Association Building, Symposium Center, 4th Floor, 1 Constitution Ave NE

10:00 a.m. — "[Successful Pre-Salt Auctions put Brazil's Oil & Gas Sector on Promising Path](#),"
Wilson Center, One Woodrow Wilson Plaza, 1300 Pennsylvania Ave. NW

12:00 p.m. — "Beyond Batteries: Grid-interactive Efficient Buildings," Alliance to Save Energy,
Rayburn 2045

FRIDAY

11:15 a.m. — EPA Administrator Scott Pruitt addresses The Federalist Society's National
Lawyer Convention, 1127 Connecticut Avenue, NW

THAT'S ALL FOR ME!

**** A message from Chevron:** This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat—buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: <http://politi.co/2yQ8q7z> **

To view online:

<https://www.politicopro.com/newsletters/morning-energy/2017/11/trump-team-not-pitching-paris-renegotiation-in-bonn-025509>

Stories from POLITICO Pro

U.S. climate delegation won't outline conditions to stick with Paris deal [Back](#)

By Emily Holden and David Siders | 11/12/2017 03:33 PM EDT

BONN, Germany—The Trump administration does not plan to give international diplomats any clues about how they could convince the U.S. to stay in a global agreement to fight climate change but will use meetings this week as an opportunity to promote U.S. coal, gas and nuclear companies, according to a White House official.

The centerpiece of the White House presence at the climate talks in Bonn, Germany, will be a Monday evening presentation where government officials and industry executives will urge developing countries to pursue "cleaner" fossil fuel and nuclear power — a pitch that could be meant to widen the market for American energy exports.

The White House source said State Department diplomats and Trump aides would not engage on remaining in the 2015 Paris agreement, which Trump has said he would exit unless he got terms more favorable to U.S. businesses.

"We're not going to address that issue," the official said on an embargoed call with reporters on Thursday. "The president has left the door open, the president has said multiple times that he's willing to reconsider our engagement in the Paris agreement if we can find a fairer deal that works for American businesses, taxpayers, consumers, so yeah it's up to the president."

Trump has never repudiated his view that man-made climate change is a hoax, although the White House has since said he "believes the climate is changing" without elaborating on the cause. But the lack of engagement from his negotiating team suggests he has little interest in reaching a better deal to limit global greenhouse gas emissions.

The U.S. panel is not expected to discuss ways to reach the Paris agreement goals of reducing greenhouse gas emissions enough to avoid a 2 degrees Celsius rise above pre-industrial levels, which scientists say would be a dangerous tipping point.

"The president believes that we can reduce our emissions while growing our economy," the White House official said.

Climate activists were mulling protest actions ahead of the Monday night forum, while fearing the event would only further cast a shadow over the United States' role in the conference.

"It's what you expect when we have fossil fuel billionaires running our government," said Garrett Blad, executive director of the SustainUS, a youth advocacy group. "I think it's irresponsible and dangerous, and I think the American people know that and are on our side."

Former Vice President Al Gore said he expected the forum would do little to alter dynamics of the conference.

"I think that people will see it for what it is," he said in an interview. "The president has surrounded himself with some of the most notorious climate deniers, and people who come to these meeting know who these characters are, and I think they see it for what it is."

The White House official said he didn't expect other countries to ask what kind of deal the president is looking for, adding that the United Nations conference "is really not the place for that to happen," and that the conversation would be more likely to occur between world leaders. Trump returns Tuesday from a 12-day trip to Asia, which included meetings with Chinese President Xi Jinping and other heads of state. He did not mention climate change once while abroad.

The Trump administration is rolling back President Barack Obama's climate efforts and also trying to boost coal-fired power--a major driver of rising temperatures that are making seas swell and extreme weather intensify.

Despite Trump's stance, a delegation of career officials from the State Department is on site at the United Nations conference to represent U.S. interests as countries negotiate how they will achieve and verify their commitments to curb emissions.

In the discussion Monday, George David Banks, special assistant to President Trump on energy and environment, will make introductory remarks. Francis Brooke, an aide to Vice President Mike Pence, will moderate the talk among executives from the liquefied natural gas company Tellurian, the coal company Peabody Energy and the nuclear power company NuScale, as well

as Barry Worthington, director of the U.S. Energy Association.

The panel will outline ways U.S. could encourage developing countries to build "cleaner, more efficient," fossil fuel plants to mitigate climate change, the White House source told reporters last week.

Worthington told [Climate Home News](#) that striking fossil fuel trade deals was a major objective of the discussion.

"The flavor du jour is LNG but we're also exporting crude oil and derivative products and continue to export a sizeable volume of coal," he told the outlet.

The White House source said climate mitigation is a "lesser priority" than energy security and economic development, "but it's still a priority."

Without U.S. involvement, "the Chinese will build the coal plants and use inefficient technology," the official said.

"Quite frankly, if we don't bring it up and want to engage people on it, it's just not going to happen," he said. "It's burying your head in the sand if you don't have a conversation, just simply because of the facts, again because of the role coal is going to play in the energy mix...because of the role that natural gas is going to play."

The official cited International Energy Agency [projections](#) that natural gas demand will grow 50 percent and coal demand will increase by 2040, especially in South and Southeast Asia. And he pointed to [reports](#) that at least 1,600 coal plants are planned or under construction in 62 countries, according to the environmental group Urgewald. Chinese companies are reportedly planning many of them, but the Chinese government in January canceled plans for 103 plants.

As part of the Paris agreement, China pledged to begin shrinking total emissions by 2030. Trump has said it's unfair that China would be able to keep increasing its carbon output in the meantime, although the U.S. over time has contributed more greenhouse gases to the atmosphere than any other nation and China's economy was slower to begin growing.

The White House official did not explain how the U.S. would seek to push of more efficient coal plants abroad, but he said the conversation in Bonn Monday would cover "high efficiency, low emissions coal, but then also the more advanced technologies that either improve efficiency, or the carbon capture and utilization pieces."

Trump on his trip to Asia last week unveiled a slate of deals with China, but none were to promote more efficient coal-fired power plants. One is for sales and rentals of Caterpillar mining equipment to China's largest coal mining company and another is a joint venture between a U.S. industrial gases company and state-owned Chinese firm to build a coal-to-syngas facility, according to [Bloomberg](#). Trump's travels focused far more on promoting the export of U.S. liquefied natural gas.

To view online [click here](#).

[Back](#)

Top Democrats stage anti-Trump revolt at Bonn climate summit [Back](#)

By David Siders and Emily Holden | 11/12/2017 10:56 AM EDT

BONN, Germany — A handful of Democratic governors and scores of other lawmakers and mayors are mounting an insurgency at the United Nations climate conference here, orchestrating a highly choreographed campaign to persuade world leaders that President Donald Trump doesn't speak for the United States on climate change.

Several Democratic U.S. senators began meeting last week with officials from other countries, seeking to minimize Trump's withdrawal from the Paris climate agreement. Meanwhile, the governors of California, Virginia, Oregon and Washington — along with mayors from throughout the nation — were expected to touch off a blitz of public appearances at the conference as the meeting enters its final week.

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The Democrats' diplomacy — part lobbying, part public relations — comes amid widespread international concern about Trump's decision to pull the United States out of the Paris accord. War-torn Syria announced last week that it would join the agreement, leaving the United States — if it goes through with its withdrawal — as the only country in the world outside of the pact.

On Saturday, Democratic politicians, climate activists and like-minded business interests sought to present the United States as a country divorced from its president. Speakers repeated the slogan, "We are still in," a message splayed across an electronic ticker and on buttons at the unofficial U.S. pavilion. The pavilion's estimated \$235,000 cost was being covered by a coalition including former New York Mayor Michael Bloomberg and the billionaire environmentalist Tom Steyer.

Steyer, who is spending millions of dollars on a national television ad campaign calling for Trump's impeachment, was expected to outline his case for Trump's ouster in a speech here Sunday.

While pavilion organizers plied guests with big-name speakers and free beer and wine, a subtler campaign was unfolding inside the conference halls. Starting late last week, a small delegation of U.S. senators, including Cardin, Brian Schatz (D-Hawaii), Ed Markey (D-Mass.) and Sheldon Whitehouse (D-R.I.) — began meeting with officials from other countries in an effort to assuage nerves about Trump. Schatz said he and other lawmakers met with delegations from India and Japan and were planning to meet with representatives of the European Union, Mexico, Indonesia

and Canada.

The senators argued Trump could not quickly undo eight years of Obama-era climate policies or significantly affect state-level efforts to reduce greenhouse gas emissions.

"I think that there's an understanding of the American system of government, which is sometimes cumbersome and slow, and frustratingly so, but in this instance it works in favor of climate action," said Schatz. "Whatever the president's rhetoric, he can't prevent us from moving forward on clean energy."

Following a meeting with Mexican officials, Markey said Saturday, "Obviously, I think it's important for them to understand that there are 30 states that have renewable electricity standards, that the fuel economy standards are still the federal law, that the appliance efficiency standards are still federal law."

Democrats trying to thwart attacks on climate action have on their side bureaucracy, the courts and a narrowly divided Congress that often gets stuck in legislative stalemates. Although Republicans control Congress and the White House, they need 60 votes to proceed to most legislation.

The Trump administration is moving to undo President Barack Obama's climate standards — including carbon limits for the roughly one-third of emissions that come from the power sector. Those regulatory rollbacks could take years and will have to stand up to legal review, but in the meantime, the federal government will not move forward to curb greenhouse gases.

Markey promised that Democrats will fight to maintain fuel economy standards and will block any effort to cut back wind and solar tax credits. He told a crowd on Saturday that Trump has "assembled a Cabinet of Big Oil all-stars" but that, "On our side, we have 100 years of science and nearly 100 percent of the scientists in the planet. And inside the United States, we have city after city, state after state, standing up to take action."

Diplomats are paying close attention to American representatives pledging to keep fighting climate change, said Jens Mattias Clausen, a Copenhagen-based climate change adviser for Greenpeace who is attending the talks.

The most important thing those representatives can do is "show the rest of the world that even if the Trump administration refuses to face reality here and continues with this very isolationist style that the rest of the U.S. is actually ready to step up and help with the commitments that they have," Clausen said. In terms of specific numbers they can offer, "the more concrete it gets ... the better," he added.

California Democratic Gov. Jerry Brown and Bloomberg are leading a group called America's Pledge, which aims to release more specific reduction commitments from states and localities next year. On Saturday, they released a report asserting the combined economic power of every state and city that has committed to the Paris agreement would outmatch every country except for China and the U.S.

Yet even their own report acknowledged, as previous studies have, that non-federal efforts to reduce greenhouse gas emissions are not sufficient to meet the United States' commitments under the Paris agreement given Trump's stated policies. And local and state climate efforts are fraught with their own, internal disagreements about how aggressively subnational governments should pursue climate policies on their own. On Saturday, Brown had a speech interrupted for an extended period by activists protesting California's cap-and-trade program and its permissiveness on hydraulic fracturing.

"You have a positive message insofar as what individual states and individuals are doing" about climate change, Mairead McGuinness, a member of the European Parliament, told Brown at a forum last week.

However, she said, "Sometimes when we make a step forward, there are forces that ask us to step back by half."

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For all of the Democrats' efforts, Trump looms large over the conference, and the power of the White House is not lost on the international community. Trump, who has called climate change a hoax, is publicly promoting coal production. He has said he is withdrawing from the Paris agreement because it puts the United States at a "big economic disadvantage."

Last week's elections in the United States provided a rare, positive talking point for Democrats trying to combat Trump's message in Bonn. The Democrats' sweep in the off-year contests, they said, presaged a return to Democratic power in Washington and re-engagement in climate talks abroad.

"Tuesday's election marked that Trump is alone and isolated," said Garrett Blad, executive director of SustainUS, a youth advocacy group. "It's going to be our job back home — 2018 is going to be a huge year with the elections — to make sure that states ... are moving forward with the most aggressive action that we can."

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He added, "It will also likely be the last. The world is moving on, and so is the United States."

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"adds up to a very impressive reduction in U.S. emissions."

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Sara Stefanini contributed to this report.

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Top Democrats stage anti-Trump revolt at Bonn climate summit [Back](#)

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Sara Stefanini contributed to this report.

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McAuliffe, top Democrats dismiss impeachment talk [Back](#)

By David Siders | 11/12/2017 11:19 AM EDT

BONN, Germany — Virginia Gov. Terry McAuliffe said Sunday he does not support impeaching President Donald Trump, after Democratic billionaire Tom Steyer pressed the case for impeachment at the United Nations climate conference here.

"Let [special counsel Robert] Mueller, and let the people who are doing the process, go through and do what they're doing," McAuliffe said after a breakfast speech by Steyer, a supporter of the Virginia Democrat. "You don't prejudge investigations."

Steyer, who is spending millions of dollars running television ads in the United States calling for Trump's impeachment, told a small crowd Sunday that "lack of action is a choice."

But Steyer's message did not appear to resonate with top Democratic politicians in Germany for the climate talks. Oregon Gov. Kate Brown, who also attended the breakfast, said she has no position on impeachment, which she said is "something that Congress is going to deal with." California Gov. Jerry Brown was also dismissive.

"Do you want me to start an impeachment movement by saying, 'Yes, I agree with Steyer. Let's go.' What will that do?" Jerry Brown told reporters on Saturday night. "That would be counterproductive. It would undermine all that we're trying to do."

Former California GOP Gov. Arnold Schwarzenegger, a vocal critic of Trump, declined to

answer questions about impeachment Sunday.

Steyer, who is considering running for U.S. Senate in California, spoke in a pavilion set up by United States climate advocates and financed by a coalition including Steyer and former New York Mayor Michael Bloomberg.

McAuliffe, a potential presidential contender who described Steyer as a friend, said, "He paid for the breakfast. He's entitled to clearly say what he wants."

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Pro-Trump group courts donors with Cabinet access [Back](#)

By Maggie Severns | 11/10/2017 03:22 PM EDT

Energy Secretary Rick Perry will headline an intimate gathering of high-powered business executives in Texas next week for the pro-Trump outside group America First Policies, the first in a series of "roundtable discussions" giving donors face time with top Trump officials.

The Houston event featuring Perry, detailed in an invitation sent to a Republican donor and obtained by POLITICO, will include roughly 30 people and cover topics from energy policy to the Trump administration's broader agenda, America First spokeswoman Erin Montgomery said. Perry will not solicit donations from the attendees at the Monday event, which would be a violation of federal law — but America First officials plan to ask for contributions after Perry leaves the room.

The event highlights the cozy and growing ties between officials in President Donald Trump's administration and outside allies spending millions of dollars pushing administration policies this year. America First is brandishing its relationships with government officials to establish itself as the White House's preferred outside ally, among a mass of pro-Trump groups that have popped up this year.

In addition to holding more roundtable events, America First Policies recently held conference calls featuring White House Legislative Affairs Director Marc Short, House Majority Leader Kevin McCarthy and Rep. Erik Paulsen, all key players on tax reform. America First leaders also huddled with White House officials recently.

America First Policies and its affiliated super PAC, America First Action, plan to raise and spend \$100 million supporting Trump's agenda in the next year. Super PACs are not permitted to coordinate with candidates and there are strict rules governing Cabinet officials' political activities. But there is a loophole: Perry and others can participate in events put on by America First's nonprofit policy arm, which is legally separate from the super PAC even though the same officers run both groups.

"As long as the super PAC and the 501(c)(4) each stays in its own lane they can both operate under the same umbrella," said Brett Kappel, a campaign finance lawyer and partner at Akerman LLP.

But campaign finance reform advocates said the arrangement crosses an ethical line.

"This is all part of the very close coordination we're seeing between the campaign itself and what's supposedly an outside group," said Craig Holman, the government affairs lobbyist at the good-government group Public Citizen. The activities constitute "coordination in anyone's definition except for the Federal Election Commission's," he said.

Perry is an ideal ambassador for America First Policies in Texas, where the former governor has deep ties to the energy industry and donors who fueled his state campaigns as well as two presidential bids.

An Energy Department spokesperson did not return a request for comment. Perry was in France this week meeting with energy leaders from other countries. He is slated to attend a similar meeting in Texas on Monday, prior to the America First event, with leaders from Canada and Mexico.

America First was silent for much of this year and went through multiple staff shakeups, but has recently been working to restore its original position as the central group backing Trump's agenda.

But it has competition. Future45, which supported Trump during the 2016 elections with funding from casino billionaire Sheldon Adelson and the Ricketts family, announced a project that will spend in the tens of millions of dollars promoting tax reform earlier this month. Great America PAC, which is affiliated with former White House strategist Steve Bannon, began endorsing 2018 candidates in recent days.

Great America PAC's support for Roy Moore broke from Trump's support for Sen. Luther Strange in Alabama. America First plans to stay closely aligned with Trump and Trump's agenda, which Texas businessman Roy Bailey said could be a differentiator.

"We're not second-guessing anything; we're totally confident in [Trump's] ability to lead this nation and we're supporting him and the vice president," said Bailey, who is involved with America First.

That message has intrigued Texas-based energy executive Dan Eberhart, who said he hasn't yet made a donation to America First but is "interested in what they have to say."

"A lot of people who supported Republicans in 2016 are frustrated with the way things have turned out," Eberhart said. "If the Republican establishment won't support the president's agenda, we need alternatives who will."

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Perry's grid study: 4 things that may have legs [Back](#)

By Darius Dixon | 08/24/2017 06:56 PM EDT

The Energy Department's study of the electric grid arrived late Wednesday, but it's not yet clear whether Secretary Rick Perry's efforts to help support nuclear and coal-fired power plants will have legs.

The 187-page [report](#) called for DOE to focus mostly on R&D and coordinating efforts to prepare for disasters, and left the heavy lifting for other agencies, such as FERC, EPA, the National Science Foundation and the Nuclear Regulatory Commission.

Among the recommendations are for FERC to "expedite" its work to reformulate how electricity markets pay power generators, and for EPA to revisit its New Source Review permitting program that requires plants to tighten emissions controls when they upgrade their plants — both issues that have proven difficult for the two agencies.

"If these recommendations, as a suite, are something that the administration really wants to do, someone in the White House is going to have to quarterback that," said Greg Gershuny, who served as chief of staff in DOE's Energy Policy and Systems Analysis office during the Obama administration and worked on the Quadrennial Energy Review.

"In the next four or five weeks, as Congress gets back, we'll see if these things are going to move," he said. "How engaged Perry is and how many times a week he's going to the Hill and talking to other agency heads is going to tell us a lot about how serious they are about this."

DOE, which did not submit the report for OMB review before its release, is now taking [public comments](#) on the study. Here's a breakdown of the issues.

Wholesale electricity markets: The new report calls on FERC to speed its work with states, grid operators and market players to "improve" how power producers are paid in the wholesale markets under the agency's jurisdiction. FERC had been grappling with the issue under its "price formation" initiative over the past three years, rolling out proposals and new rules to try to adapt to the increasing complexity of the electric grid — and to make sure power generators are fairly compensated.

However, grid operator PJM has [argued](#) regulators were thinking too small, and it released a trio of working papers earlier this year highlighting FERC's initiative while quickly noting that "fundamental" price formation issues hadn't been addressed. DOE suggested that FERC consider "fuel-neutral" markets to pay for essential grid reliability services.

So far, FERC seems sympathetic.

Soon after President Donald Trump gave him the gavel this month, FERC Chairman Neil Chatterjee stressed that generators, including coal and nuclear plants, "need to be properly compensated to recognize the value they provide." FERC has broad authority to alter market pricing rules, but that can be a slow process, and can have vastly different impacts in different states and regions — and draw sharp political pushback.

ClearView Energy Partners analysts warned against dismissing opposition to market rules that raise electricity prices on consumers.

"FERC-led initiatives can often create strange bedfellows, strong alliances and more opposition than state-led proposals," a ClearView report issued Thursday said. "We are reluctant to assume this all goes as quickly as the change advocates hope."

DOE's study also argued that "negative offers should be mitigated to the broadest extent possible," a reference to the fact that renewables like wind power can still make money even if power prices go negative because they can rely on a federal production tax credit.

Grid reliability R&D: The new report says that DOE should "focus R&D efforts to enhance utility, grid operator, and consumer efforts to enhance system reliability and resilience." That view stands in contrast to the Trump administration's first budget proposal, which suggested cutting DOE's electricity office by 42 percent from current levels, to \$120 million.

Nevertheless, Perry has said he wants his agency to focus on "early-stage" research, with the intention of transitioning that work to the private sector as quickly as possible.

DOE's study says more research should be done on technology that will make it easier for grid operators to integrate increasing amounts of renewable power, facilitate technical coordination with Canada and Mexico, and increase "targeted" R&D to boost the efficiency of coal-fired power plants.

Infrastructure development: The new push calls on the federal government to "accelerate and reduce costs for the licensing, relicensing, and permitting of grid infrastructure" — including power plants and transmission — which could easily involve a half-dozen federal agencies.

DOE, the study says, "should review regulatory burdens for siting and permitting for generation and gas and electricity transmission infrastructure and should take actions to accelerate the process and reduce costs."

The Obama administration sought to quicken the electric transmission permitting process in 2013 with a memo to the chiefs at the departments of Agriculture, Commerce, Defense, Energy and Interior, which resulted in a final rule last year. Several members of Congress have also pressed the issue in legislation, including in the 2015 highway bill that included directives to more than a dozen agencies to join a new permitting council tasked with speeding up the federal process for large infrastructure projects.

DOE also recommends that the NRC "ensure the safety of existing and new nuclear facilities without unnecessarily adding to the operating costs and economic uncertainty of nuclear energy" and, without much explanation, "[r]evisit nuclear safety rules under a risk-based approach."

The report doesn't target specific NRC regulations, but does discuss the agency's license renewal process and the expenses associated with equipment upgrades, which may make it a prime target for cost reductions.

Breaking down barriers for coal power: The study recommends that policymakers "encourage EPA to allow coal-fired power plants to improve efficiency and reliability without triggering new regulatory approvals and associated costs." That's a reference to the New Source Review permitting program, which was created under the 1977 Clean Air Act amendments to prevent coal plants and other major emitters from making equipment changes or upgrades that would increase their emissions.

Reforming the program has been an industry priority for decades, with companies arguing that power plants have held back on making upgrades that would increase their efficiency because of concerns that they would have to go through the NSR permitting process. A collection of unions earlier this summer, for example, [called for NSR reform](#) as part of any replacement rule for the Clean Power Plan.

But multiple Bush administration attempts to weaken permitting requirements show that NSR reform is much easier said than done. A 2002 rule was partly [struck down](#) by the D.C. Circuit Court of Appeals, which said several new exemptions were not allowed under the Clean Air Act. Another 2003 rule introducing another major exemption was completely [tossed out](#) by the D.C. Circuit. A third NSR [rulemaking](#), issued in the final days of Bush's presidency, dealt with how sources report emissions changes. Environmentalists sued, and the rule remains under reconsideration at EPA to this day.

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MSHA nominee: 'I was not proud' of violations notice [Back](#)

By Ian Kullgren | 10/04/2017 05:55 PM EDT

President Donald Trump's nominee for assistant secretary of Labor for Mine Safety & Health told a Senate committee today that his coal company ignored safety conditions at one of its mines.

David Zatezalo was chairman of Rhino Resources when it received pattern of violation notices in 2010 and 2011, the Charleston Gazette-Mail previously reported. The company was later fined when a wall collapsed, killing a worker.

When questioned by Sen. [Tim Kaine](#) (D-Va.) about the notice, Zatezalo blamed the mine manager.

"The management of that particular group and that particular site was not doing what they should have been doing," Zatezalo said. "I was not proud of the fact that we got designated as a [potential pattern of violations] mine. I did not try to lawyer up and stop anything from happening."

"I replaced that management," he added, "because I wasn't too happy with their performance and hadn't been for sometime."

Zatezalo appeared before the Senate HELP Committee for a confirmation hearing with Cheryl Stanton and Peter Robb, Trump's nominees for Wage and Hour Division administrator and NLRB general counsel, respectively. Few senators showed up to the hearing, though, and [Patty Murray](#) (D-Wash.) complained that the Senate's busy schedule didn't leave enough time to probe as deeply as she would have liked.

Zatezalo assured Kaine that he wouldn't have a problem working with career staff at MSHA who issued the notice to his company.

"They did what they were supposed to do," he said.

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Coastal lawmakers push back on House flood insurance proposals [Back](#)

By Zachary Warmbrodt | 11/08/2017 03:59 PM EDT

A bipartisan group of coastal lawmakers is pushing for major changes to the National Flood Insurance Program reauthorization bill that's awaiting a floor vote.

Republicans and Democrats representing the Atlantic and Gulf coasts have filed several amendments, which have been [released](#) by the House Rules Committee.

Some of the amendments would attempt to further shield policyholders from flood insurance premium increases, following concessions won by House Majority Whip [Steve Scalise](#) (R-La.) that reduced proposed penalties for properties that repeatedly flood.

One [amendment](#) by Reps. [Frank LoBiondo](#) (R-N.J.) and [Peter King](#) (R-N.Y.) would strike three sections of the bill, [H.R. 2874](#), including a prohibition on coverage for buildings valued above \$1 million. Their amendment would also lower the bill's proposed cap on annual premium increases to \$5,000 from \$10,000.

"While discussions continue with the committee, Congressman LoBiondo feels the flood insurance bill is not at a point it needs to be to earn his vote and those of other coastal legislators," LoBiondo chief of staff Jason Galanes said. "He drafted the amendment to address those outstanding concerns."

LoBiondo and King were two of 26 House Republicans who wrote to House leadership this summer warning that they would not support an earlier iteration of the House Financial Services Committee package in part because they said it would make flood insurance unaffordable for their constituents.

Another lawmaker who signed on to that letter, Rep. Garret Graves (R-La.), has offered four amendments, including one that would restrict FEMA from raising insurance rates if a property was at a higher risk of flooding because of actions undertaken by the federal government.

Rep. Dan Donovan (R-N.Y.), who was part of the group fighting the bill this summer, has offered an amendment that would freeze insurance premiums in areas where flood maps are being redrawn.

Other coastal Republicans who signed the July letter were trying to put their stamp on the final bill.

Rep. Leonard Lance (R-N.J.) raised concerns about the bill this week, a spokesman said. Rep. Clay Higgins (R-La.) is part of the negotiations, his spokesman said.

Rep. Steven Palazzo (R-Miss.) is pushing for changes addressing several concerns with the bill, including increasing surcharges, how premium rates will be determined for coastal versus inland locations and the lack of provisions that address the NFIP's debt, a spokeswoman said.

"He will continue to push for a program that protects South Mississippians, provides flood insurance that is affordable and available, and ensures the long term success of the program," she said.

House aides said the Financial Services Committee was preparing to rewrite a section of the bill laying out annual assessments that FEMA charges policyholders to fill a reserve fund.

The new provision would require FEMA to impose a 16 percent assessment on insurance premiums, up from the flood program's current rate of 15 percent.

Aides said the change was being made to address member confusion and issues raised by the CBO.

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House Rules reschedules hearing on flood insurance bill [Back](#)

By Zachary Warmbrodt | 11/10/2017 04:51 PM EDT

The House Rules Committee will hold a hearing Monday on the National Flood Insurance Program reauthorization bill, as Republicans try to move ahead with a floor vote.

The Rules Committee will resume consideration of the bill, [H.R. 2874 \(115\)](#), after postponing a Tuesday hearing on the legislation. At the time, the committee said it delayed the meeting after the CBO flagged a scoring issue.

In the interim, House Financial Services Chairman [Jeb Hensarling](#) (R-Texas) decided to [revise](#) a section of the bill that would impose assessments on premiums to fill a reserve fund, [drop](#) a prohibition of coverage for homes worth more than \$1 million and delay the implementation of an exemption for commercial properties subject to mandatory coverage requirements.

This week, a group of coastal lawmakers continued to raise [concerns](#) with the bill and offered several amendments.

WHAT'S NEXT: The Rules Committee hearing on the bill will be at 5 p.m. on Monday.

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SAB appointee doesn't represent North Carolina, state says [Back](#)

By Alex Guillén | 11/08/2017 10:16 AM EDT

Donald van der Vaart, the former head of North Carolina's Department of Environmental Quality, will not represent the agency or the state in his recent appointment to EPA's Science Advisory Board, the DEQ [told a local television station](#).

Van der Vaart, a Republican who was considered for a top EPA appointment, demoted himself at DEQ to a non-political position that cannot be removed at will following last fall's gubernatorial win by Democrat Roy Cooper.

But his position on SAB will not come with Cooper's blessing, according to DEQ.

"DEQ does not support his participation on the EPA's SAB," the agency told local TV station WRAL. DEQ will not participate as a representative of the DEQ or North Carolina, the agency added.

Neither van der Vaart nor EPA immediately returned requests for comment this morning.

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Jerry Brown, President of the Independent Republic of California [Back](#)

By David Siders | 11/11/2017 07:06 AM EDT

VATICAN CITY—On his way to the United Nations climate talks in Bonn, Germany, this week, Jerry Brown stopped over at the Vatican, where a doleful group of climate scientists, politicians and public health officials had convened to discuss calamities that might befall a warming world. The prospects were so dire—floods and fires, but also forced migration, famine and war—that some of the participants acknowledged difficulty staving off despair.

California's doomsayer governor did not express much optimism either. Seated between an economist and an Argentine bishop at the Pontifical Academy of Sciences, Brown leaned into his microphone and said, "It is despairing. Ending the world, ending all mammalian life. This is bad stuff."

"There's nothing that I see out there that gives me any ground for optimism," he went on. Still, he promised action: "I'm extremely excited about doing something about it."

Even though President Donald Trump has abandoned the Paris climate agreement and called climate change a "hoax," and even though he is proceeding to scrap the Obama-era Clean Power Plan and promoting the production of coal, Brown insisted to his audience at the Vatican that these policies do not reflect the true sensibilities of the United States.

"This is not just a top-down structure that we have in the United States," the governor said. The small crowd burst into applause when he added, "Over time, given the commitments that we're seeing in this room today, and what we're seeing around the world, the Trump factor is very small, very small indeed."

In the raw balance of power between a governor and a president, Brown has almost no standing abroad. What he does have is a platform, and a proposition: Crusading across Europe in his Fitbit and his dark, boxy suit, Brown advances California and its policies almost as an alternative to the United States—and his waning governorship, after a lifetime in politics, as a quixotic rejection of the provincial limits of the American governor. In the growing chasm between Trump's Washington and California—principally on climate change, but also taxes, health care, gun control and immigration—Brown is functioning as the head of something closer to a country than a state.

In his final term, Brown has lobbied other states and regions to reduce their greenhouse gas emissions, while augmenting California's already expansive suite of climate change programs. But Trump's election—and the specter of Brown's own retirement—have lately set the governor

on a tear. In a rush of climate diplomacy this year, Brown traveled to China to meet with President Xi Jinping, then to Russia to participate in an international economic forum. This past week saw him address lawmakers in Brussels and Stuttgart, Germany, and he was preparing for roundtable meetings with scientists in Oslo before arriving in Bonn for a climate conference, where Brown will serve as special adviser for states and regions. And he is preparing for California to host an international climate summit of its own next year in San Francisco.

In one sense, Brown's fixation on climate change would seem unremarkable, the predictable conclusion of a career steeped in the ecological and environmental movements of the 1960s and 1970s. The 1969 Santa Barbara oil spill, early Earth Day rallies and the Stockholm conference on the environment weighed heavily on the public consciousness when Brown was starting out in politics, and observers of a certain age will still recall him mystifying audiences with pronouncements about "planetary realism" and the "spaceship Earth." He was still talking about the need for a fundamental shift in lifestyle when he said at the Vatican that confronting climate change will require "a transformation of the relationship of human beings to all the mysterious network of things."

"It's not just a light rinse," Brown said. "We need a total, I might say, brainwashing. We need to wash our brains out and see a very different kind of world."

But in his climate diplomacy today, Brown is performing a more urgent, final act. For nearly all his public life—from secretary of state to governor, to mayor of Oakland and state attorney general before becoming governor once again, at age 72—Brown's near-constant state was to run for public office. Now, for the first time, he is not. Term limits will chase Brown from the state Capitol in January 2019, and today he calls climate change his "campaign," dismissing the idea that after running unsuccessfully for president three times, he might try again in 2020. "I've thought because people like you ask me," he said in an interview before leaving for Europe. "But no, I'm not running."

Now, Brown's future rests on a family ranch in Northern California, where he is nearly finished building a remote, off-the-grid home. These days, he talks more about rattlesnakes and wild boar than the presidential election, and he has turned his focus from electoral politics to more existential concerns.

"I find a lot of what is included in politics doesn't count that much, at least for my salvation or my peace of mind or my interest in life," Brown said. The climate, he went on, "is fundamental. It's not like dietary requirements. It's not like a tax measure, or a school curriculum, or many of the issues, even a crime bill. It goes to the essence of being alive, living things. Whether it's humans or fauna, flora, the basis of life is embedded in this chemical structure, biological structure. And it's threatened."

Sitting in the back of a Ford Crown Victoria on a tarmac at Los Angeles International Airport, Brown added, "This, to me, seems worthwhile."

Brown often borrows from the writer Carey McWilliams' description of California as "the great exception," a colossus that McWilliams said, "always occupied, in relation to other regions, much the same relation that America has occupied toward Europe: it is the great catch-all, the vortex at the continent's end into which elements of America's diverse population have been drawn, whirled around."

Trump's election nearly spun that vortex off its axis. In a state where Democrats had already battered Republicans to near-irrelevance, voters last year installed Democratic super-majorities in both houses of the state Legislature. They approved higher taxes and stricter gun controls, legalized marijuana and made certain felons eligible for early parole. They handed Trump the most lopsided loss a Republican presidential nominee has suffered in California in 80 years. Then they slumped in front of their TV sets as the rest of America went the other way.

The morning after the election, the leaders of the state Senate and assembly issued a joint statement in which they said they "woke up feeling like strangers in a foreign land." Brown had joked before the election that if Trump were to become president, "We'd have to build a wall around California to defend ourselves from the rest of this country."

Now, the state Legislature and a large share of Brown's constituents expected him to hoist it up—to assert California's sovereignty in the Trump state. As Trump started dismantling his predecessor's climate policies, Brown helped organize an alliance of 14 states and the island of Puerto Rico, pledging to meet their share of the U.S. commitment to the Paris climate accord. He redoubled his efforts outside of the United States, expanding on a joint project with the German state of Baden-Württemberg: recruiting nearly 200 mostly subnational governments to sign a nonbinding pact to limit global temperature rise to below 2 degrees Celsius, the threshold beyond which many scientists predict environmental catastrophe. On top of that, Brown negotiated legislation extending California's signature cap-and-trade program for an additional 10 years, then signed an agreement with leaders of Ontario and Quebec to integrate their cap-and-trade systems with California's.

Trump's election shook Brown and his home state in other ways, too: California relied on billions of dollars in federal health care funding that Trump threatened to undo, and the president's hard line on immigration sowed fear among California's large population of undocumented immigrants. When the Trump administration started conducting immigration sweeps in Los Angeles, protesters strung "No I.C.E." signs from freeway overpasses, and Brown—who had signed legislation granting undocumented immigrants driver's licenses and access to college financial aid—negotiated state legislation curbing local law enforcement officials' ability to cooperate with federal immigration agents.

By this fall, California's feuding with Washington had grown so routine that it barely registered as news when, during the span of seven hours one day last month, state Attorney General Xavier Becerra announced four separate lawsuits against the Trump administration on issues ranging from health care and education to immigration and oil extraction on public and tribal lands.

Before Trump's election, Brown existed largely at the margins outside California. When he returned to office in 2011, a fellow Democrat held the White House, and no one had to look

West for an expression of leftist causes. In that context, Brown presented as a moderate, taking criticism from environmentalists for his permissiveness of hydraulic fracturing, while others dismissed as insignificant the nonbinding climate agreements he pursued.

But then Trump, less than a month in office, told a national TV audience, "California is in many ways out of control." Former White House chief strategist Steve Bannon, addressing California Republicans shortly after Brown signed legislation expanding protections for undocumented immigrants, said that if California kept this up, it would eventually "try to secede from the union." The governor factored so heavily in the specter of a civil war that House Majority Leader Kevin McCarthy, himself a Californian, slipped in a speech last month in which he rebuked one "President Brown."

The nation's most populous state was cleaving from Washington, and Brown was its marshaling force.

"Trump is leaving many vacuums, and I think Jerry Brown has long imagined himself as a kind of global player," says Orville Schell, who wrote a biography of Brown in 1978 and remains in contact with him. "He does see California, as the sixth-largest economy of the world, as capable of playing more of a nation-state-like role."

Brown "sort of accidentally has had the world thrust in his lap through the climate issue, which he passionately believes in," Schell adds. "The opportunity has presented itself, the inclination is there, and he's sort of ratcheting the state up to rush into that breach that Washington is leaving."

In the role of a statesman, Brown so far has been met with dotting audiences in Europe. When he arrived in Stuttgart for meetings this week, local officials sent a seven-car motorcade to the airport to deliver him to his hotel with lights flashing, an unheard-of accommodation back home. And when Brown spoke in Brussels on Tuesday, before the hemicycle of the European Parliament, the body's president, Antonio Tajani, said the governor's presence gave Europeans "some comfort" in the era of Trump. Muhterem Aras, president of the parliament of Baden-Württemberg, told Brown through an interpreter, "You and your work are needed more than ever." She cast Brown as a warrior "facing a mighty lobby as an adversary."

Yet in the polished, grip-and-grin world of diplomacy, Brown can also seem out of place. He has sprinted through his trip on a borrowed charter plane with his tiny entourage—a handful of aides, a small protective detail and his wife and adviser, Anne Gust Brown, straightening his collar. He maintains an exasperatingly loose schedule, suffers posing for photographs and sometimes wanders on stage.

Before he strode into the Vatican headquarters of the Pontifical Academy of Sciences, a 16th century summer residence for Pope Pius IV, Brown darted for a table of coffee and cookies that waiters were starting to clear away.

"You had to eat, didn't you, love?" his wife asked her husband, who has a sixth sense for free

food.

Throughout his trip, Brown has also carried copies of two articles he wrote about the threat of nuclear proliferation, his principal concern other than climate change. The first, "Nuclear Addiction: A Response," was written in 1984 for a now-defunct Jesuit publication. The second is Brown's review in the *New York Review of Books* last year of former defense secretary William Perry's *My Journey at the Nuclear Brink*. Leaving a meeting one night in Rome with Arturo Sosa, the superior general of the Jesuits, Brown squinted over his hawk-like nose and said that while "going around enlisting allies ... I bring my two little articles and I pass them around."

Depending on his audience and mood, Brown vacillates between optimism and dread for the future. Signing a government guestbook in Brussels this week, he quoted Virgil: "Ad astra per aspera"—to the stars through difficulties. Later, when the elevator taking Brown from a meeting went up instead of down, he first complained, half-joking—"Mistake!"—and then said, "That can happen with missile launches, too."

As frequently as Brown is asked about Trump, Brown has mentioned the president only sparingly on his European tour. Although he has called Trump the "null hypothesis" for climate change, a politician who by "making his case of denial so preposterous, helps the other side," he insists the problem of climate change is bigger than one leader, and has acknowledged he is trying to make "lemonade out of a lemon."

A year ago, it appeared that Brown might not be able even to do that. Two nights before the election, he was eating chips and salsa at an airport bar in Durango, Colorado, where he had spent the day campaigning for Hillary Clinton. If Trump took the White House, he said in an interview, it would be "game over" for climate change. "Game over," he said again.

Asked about it recently, on the tarmac in Los Angeles, Brown said, "I say a lot of things while waiting for a drink in bars across America."

"We're fighting," he added. "The game is over in Washington for the moment ... But not in the world."

Later, at the Vatican, he put it this way: "You should despair, but that won't help. So be optimistic, and do whatever you can."

Brown said he has met Trump once, when he was mayor of Oakland in the 2000s and considered bringing a casino to the city. The two flew together in Trump's plane to Oakland from Palm Springs. The governor recalled being impressed with a Renoir that Trump had hung on a wall in the plane. "I don't know whether it was real or not," Brown said last year. "But I thought it was. I thought it was a hell of a statement."

Brown, more than many politicians, could appreciate the populist appeal that swept Trump into the White House—and that Brown sought to capture in his own three presidential campaigns. In

1976, he called for an "era of limits," then campaigned against the North American Free Trade Agreement and the influence of corporate money in politics in his 1992 campaign. He refused campaign contributions greater than \$100 and, in rhetoric reminiscent of Trump's "drain the swamp," criticized "the basic fact of unchecked power and privilege."

Pat Caddell, the veteran pollster and political analyst who gave advice to Brown in 1992 and Trump in 2016, says, "Brown was way ahead of his time, really ... I think if Jerry had run in '16, he could have won the Democratic nomination."

Today, Brown's mind is elsewhere. He deflects questions about his legacy, arguing, "Everything we're doing can be framed as either a model for everybody else or building my legacy that I'm going to be reviewing in my dotage." Yet the issues that consume him—climate change and nuclear proliferation—are legacy concerns of humankind.

"Human civilization is on the chopping block," Brown told an auditorium full of lawmakers and students this week in Stuttgart, his voice rising almost to a yell. "We have to wake up the world. We have to wake up Europe, wake up America, wake up the whole world to realize that we have a common destiny."

While climate change has afforded Brown a degree of notoriety outside California, he believes that history is not kind to governors and a politician's relevance quickly fades. "It's just a matter of time before your irrelevance engulfs your total being," he said in Los Angeles, chuckling. "I'm pretty focused on today."

He is at least thinking a little about the near future. Dna Hoover, who is building the Browns' ranch house, said Anne Gust Brown called recently to ask about stucco samples and a generator, and the couple ran a herd of goats through the property, where the Browns have planted olive trees, to chew down grass to prevent fire. "He's ready," Hoover says. "He's really so connected with that place and is ready to get up there full-time."

Brown has even discussed the possibility of creating some kind of meeting space on the ranch. Before he was to arrive in Bonn on Saturday, he left his aides behind and swung south to Bremen, Germany, to visit with Silja Samerski, who had once helped him organize a salon he called the "Oakland Table," attracting intellectuals such as the late social critic Ivan Illich. "We're going to talk about unfinished issues from the Oakland Table," Brown said of his visit with Samerski. "The good life, and how are we supposed to lead it. What are we doing? So, that's getting ready for the Colusa Institute," he explained, laughing a bit. Colusa is the name of the county where he is building his ranch.

Brown is also contemplating writing when he leaves office, something he tried, but largely gave up, after his first two terms as governor. His work at the time, he says, "didn't rise to the quality that met my standards."

Decades later, Brown says, "I have much more to say."

At an event held alongside the Democratic National Convention last year, Brown had compared

his retirement to that of a Roman statesman, "a fellow named *Cincinnatus* who saved the Republic, and then he went back to the plow."

Reminded of that comparison recently, Brown smiled and said, "I like to be on my plow." But he added, "Maybe I'll be sending out pronouncements from the plow."

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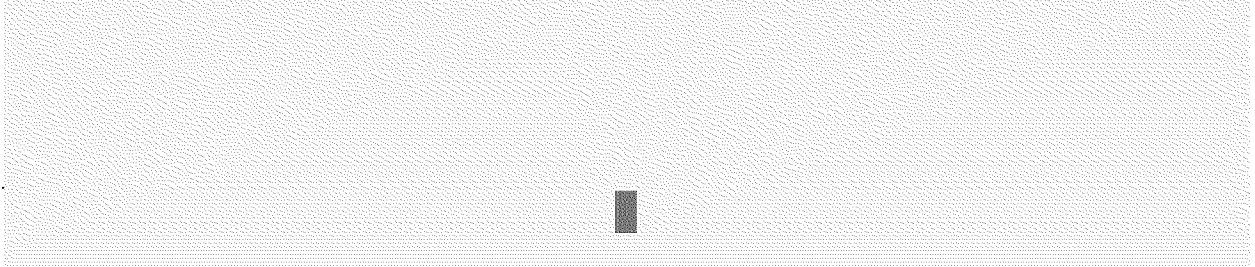
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From: Morning Consult
Sent: Sun 11/12/2017 2:01:35 PM
Subject: Morning Consult Washington, Presented by PhRMA: Week in Review & What's Ahead



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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro
Sent: Wed 11/1/2017 2:14:21 PM
Subject: EPA sends biofuel volumes rule to OMB

By Eric Wolff

11/01/2017 10:12 AM EDT

EPA has sent the final volume requirements for the 2018 and 2019 Renewable Fuel Standard to the Office of Management and Budget for interagency review.

The RFS had caused a political rift, with nine senators led by Sen. [Ted Cruz](#) (R-Texas) pressing the White House to broker a meeting with seven Midwestern senators over the rule. Cruz wants new policies that would drive down the price of biofuel credits, a change sought by a group of refiners led by San Antonio-based Valero Energy.

The Midwestern senators, led by Iowa Republican Sens. [Chuck Grassley](#) and [Joni Ernst](#), forced EPA Administrator Scott Pruitt to commit to abandon plans to cut biodiesel volumes and drop discussions to allow exported biofuel to retain the RFS credits.

Pruitt had previously changed the proposed rule after OMB review in July, cutting proposed volumes for cellulosic ethanol.

That proposal left 2018 ethanol volumes at 15 billion gallons, the maximum set by law, and biodiesel volumes for 2019 at 2.1 billion gallons, though Pruitt suggested cutting biodiesel volumes in an August notice.

As of Tuesday, no one had contacted Grassley to set up a White House meeting.

WHAT'S NEXT: The final rule is due from EPA by Nov. 30.

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From: POLITICO Pro Energy Whiteboard
Sent: Wed 11/1/2017 1:19:18 PM
Subject: Federal court knocks down trio of LNG challenges

By Darius Dixon

11/01/2017 09:17 AM EDT

A three-judge panel ruled against the Sierra Club this morning in three lawsuits the environmentalists had filed challenging the Energy Department's approval of liquefied natural gas exports to non-Free Trade Agreement countries.

The court's decision to side with DOE in an earlier legal challenge regarding the Freeport LNG project "largely governs the resolution" of these more recent cases, the D.C. Circuit Court of Appeals judges wrote in today's [four-page judgment](#).

All three cases, which challenged DOE's approval of the Cove Point, Sabine Pass and Corpus Christi LNG export applications, had their Oct. 18 oral arguments [canceled](#) early last month.

Environmentalists have argued that the agency didn't properly estimate how the gas shipments might increase prices domestically, potentially boost coal use in the power system or increase greenhouse gas emissions. DOE had defended itself by saying that producing the numbers Sierra Club is seeking would be so speculative as to be meaningless.

The decision isn't a big surprise after the Sierra Club [lost its Freeport LNG lawsuit](#) against the agency in August, *Sierra Club v. DOE*, 15-1489. The group did not appeal that decision.

WHAT'S NEXT: Sierra Club has a 45-day window to file for a rehearing on the court's decision.

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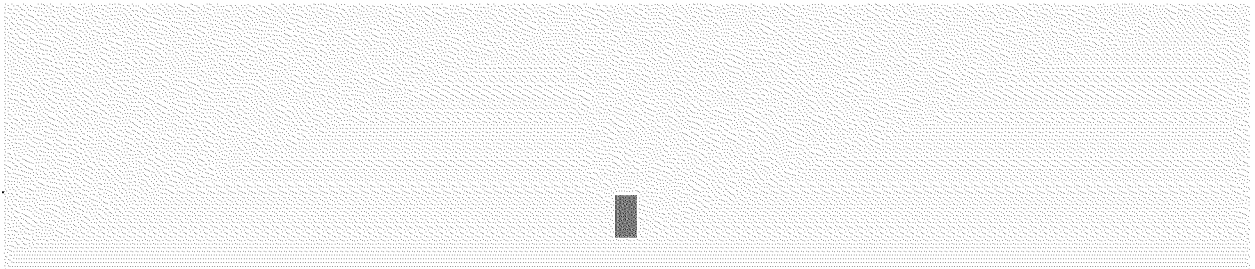
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Subject: Morning Consult Washington, Presented by the National Association of Broadcasters: Trump Orders DHS to Step Up 'Extreme Vetting' of Immigrants After NYC Attack

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy
Sent: Wed 11/1/2017 9:43:16 AM
Subject: Morning Energy: Assessing the impact of Pruitt's science board changes — Barrasso urges changes to Senate confirmation rules — Murkowski expresses full confidence in Zinke

By Anthony Adragna | 11/01/2017 05:41 AM EDT

With help from Eric Wolff and Emily Holden

'PURGE' OF EPA SCIENCE BOARDS FEARED: EPA Administrator Scott Pruitt framed his move to bar researchers who get agency grants from serving on its advisory boards as ensuring true scientific independence, but science advocates and Democrats slammed it as a "purge" of qualified scientific advice that will profoundly alter the information Pruitt uses for evaluating public health risks and writing regulations, Pro's Emily Holden [reports](#).

Reactions from critics: "He is single-handedly doing the most violence to science itself of any member of any administration in recent history," Sen. [Brian Schatz](#) told ME. And Robert Johnston, an economics professor at Clark University who has been on the Science Advisory Board for five years, said: "I've put a lot of work into trying to do my best to help the EPA use the best science possible to make good decisions on behalf of the public," Johnston said. "I think it's really unfortunate that that role is now being politicized in a way that it never has before under any administration."

Who's affected? At least five of the 47 current Science Advisory Board members appear to receive funding under EPA grants, and Pruitt may ultimately be able to replace more than half the members of SAB, Emily reports. At risk of losing their spots are scientists from Harvard University, Stanford University, Carnegie Mellon University and the University of California at Berkeley, who study cancer, immunology and respiratory diseases, as well as the effects of exposure to chemicals. Pruitt said SAB members "will have to choose: either the grant or service, but not both."

What will they do? Johnston said he got a call from EPA yesterday notifying him of the change. He will cede his advisory role, rather than give up the grant project with his students that is considering what value people place on various water quality improvements. Francine Laden, a board member who has funding to study how exposure to pollution impacts low-income communities, said she also would likely opt to keep her grant, adding she has "serious concerns about the motivations and implications of this decision."

Coming aboard: Michael Honeycutt, of the Texas Commission on Environmental Quality, will chair the Science Advisory Board. Tony Cox, a statistician from Cox Associates, will head the air advisory board. Both have argued against the benefits of reducing smog. Paul Gilman, chief sustainability officer at Covanta and a former EPA official under President George W. Bush, will serve as chairman of the panel that advises the Office of Research and Development. Several potential incoming members to various boards, which Pruitt said he'd announce in the coming weeks, are from state environment agencies and have been critical of Obama-era regulations. Stan Young, a scientist who formerly worked for major pharmaceutical companies and is

affiliated with the Heartland Institute, and Richard Smith, a longtime consultant for the American Petroleum Institute who has opposed stricter ozone standards, are also expected to be named.

WELCOME TO NOVEMBER EVERYBODY! I'm your host Anthony Adragna, and the American Chemistry Council's Jonathan Corley correctly picked turnips as the original jack-o'-lantern material (creepy pic [here](#)). For today: How many redheads currently serve in Congress? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#) and [@POLITICOPro](#).

TODAY! FLASH BRIEFING on Facebook, Google Hearings: POLITICO and The Information are partnering to offer an insider flash briefing for real-time analysis, key takeaways, and the impact that Congressional testimony about Russian involvement in the 2016 Election by representatives of Facebook, Google, and Twitter will have. Jessica Lessin will moderate a discussion and Q&A featuring POLITICO's Nancy Scola and The Information's Cory Weinberg on the hearings and their impact on legislation, the latest intel about possible connections to the Trump and Clinton campaigns, and insight into how these tech giants are responding to Russian propaganda arms like RT. Sign up for today's Flash Briefing [here](#) (\$1 trial offer for The Information), and sign up for POLITICO's Morning Tech for all latest tech news in your inbox each morning [here](#).

GOP EYES RULE CHANGE TO SPEED CONFIRMATIONS: Frustrated with the slow pace of confirmations, Senate EPW Chairman [John Barrasso](#) said Tuesday he wants to lower the amount of time that can be used post-cloture to speed confirmations of various nominees. "I believe it is time to change the rules of the Senate ... so that President Trump can get his team in place," he said.

Majority Leader [Mitch McConnell](#) appeared to back the proposed change, POLITICO's Elana Schor [reports](#). Another member of Senate Republican leadership, [Roy Blunt](#), added: "Protections of the minority in the Senate rules is only there until the minority takes advantage of those protections." ME would note Republicans routinely dragged out the process on Obama-era nominations, and some of the current delays stem from internal Republican disputes.

Speaking of which, Energy Chairman [Lisa Murkowski](#) said there had been no progress in freeing a host of DOE, FERC and Interior nominations from being held up due to a hold [Jim Inhofe](#) placed on Democratic FERC nominee Richard Glick over inaction on multiple EPA and NRC picks. "Inhofe is making good progress in working with leadership to prioritize floor consideration of EPA nominees," a spokeswoman told ME. "He is optimistic that they will come to an agreement soon and he can lift his hold on Richard Glick."

HELP WANTED: Puerto Rico's utility asked two trade groups — American Public Power Association and the Edison Electric Institute — in a [letter](#) Tuesday to send mainland crews to help get the lights back on the island and both agreed. "While this will not be a typical restoration process, we are fully committed to overcoming those challenges and to bringing our experience and resources to Puerto Rico," the groups said in a [letter](#) in response.

FEMA: Nothing spent on Whitefish deal: FEMA Administrator Brock Long told a Senate committee "not one dollar" of the agency's funds were spent on the now-cancelled \$300 million contract awarded to Montana-based Whitefish Energy for grid restoration work on the island. "There's no lawyer inside FEMA that would've ever agreed to the language that was in that contract to begin with," Long said.

On the Hill today, House Democrats hold a press conference with San Juan Mayor Carmen Yulín Cruz at 10:30 a.m. in HVC-210 Alcove in the Capitol Visitor Center after the Homeland Security Committee axed a planned hearing with her. "What are they afraid of?" she asked in [a video](#) posted to Twitter.

Murkowski planning trip to island: Murkowski says she's planning to visit the devastated island, where just 33 percent of people have electricity, "shortly" and said her priority remains getting the lights on as quickly as possible following the Whitefish contract's cancellation. "My real interest is going to be to ensure that we don't have a delayed or protracted delay in getting to the work," she told reporters. "Really, we got to get moving here."

DOE OUTLINES OBAMA-ERA NON-COMMERICAL TRAVEL: Obama-era Energy officials used government aircraft on three occasions and a non-commercial plane once during 2016, according to [records](#) submitted to the House Oversight Committee on Tuesday. Then-Energy Secretary Ernest Moniz flew on a government plane while traveling on official business to Mexico City in January 2017 and took a Bonneville Power Administration plane during a trip in Washington in August 2016. Then-Deputy Secretary Elizabeth Sherwood-Randall also used a Bonneville aircraft to tour the Grand Coulee Dam in February and a Southern Co. plane to visit the Vogtle and Kemper plants in March 2016.

TAX ROLLOUT KICKED: House Ways and Means members postponed the rollout of their much-anticipated tax bill until Thursday as many of the critical details remain undecided, POLITICO's Rachael Bade, Bernie Becker, Brian Faler and Aaron Lorenzo [report](#). Critically, lawmakers have yet to iron out how to pay for their proposed \$5.5 trillion in tax cuts, since any major revenue-generator is certain to antagonize some powerful lobby or group of lawmakers who could defeat it.

MAJOR ENERGY DISCUSSION DRAFT RELEASED: After months of gathering input, House Natural Resources Chairman [Rob Bishop](#) released a [discussion draft](#) of legislation overhaul onshore and offshore energy development regulations. "This comprehensive overhaul of upstream energy policy creates the regulatory certainty that is needed to spur economic investment on federal lands," he said in a statement. A Natural Resources subcommittee holds a legislative hearing Nov. 7 on the draft.

Forest bill gets a vote: House lawmakers today take up the Resilient Federal Forests Act [H.R. 2936 \(115\)](#), which overhauls forest management activities on public lands. Critics say it eviscerates bedrock environmental laws.

MURKOWSKI: FULL CONFIDENCE IN ZINKE: Concerns over his non-commercial travel, the controversial \$300 million Whitefish Energy contract and various campaign activities

haven't shaken Murkowski's faith in Interior Secretary Ryan Zinke. "What I can tell you is [that on] the issues that we have been working with him on, he is dogged, he is focused," she told reporters. "We're good."

Attractions yet to come: Murkowski has no plans to bring Zinke or Energy Secretary Rick Perry before the committee this month, but hopes to schedule a hearing with Perry after the comment period on his grid resiliency push closes at FERC. "That would be an interesting hearing," she said. "There's been a lot of focus on that and a lot of interest in it."

UH OH: Current emissions reduction pledges fall far short of meeting the Paris climate agreement's goals and make a temperature increase of at least 3 degrees Celsius by 2100 "very likely," the United Nations Environment program warned Tuesday. POLITICO Europe's Kalina Oroschakoff has more.

But some good news for Paris supporters: Alaska Gov. Bill Walker announced Tuesday his state intends to hit the goals of the Paris climate accord and announced a new committee to address climate change impacts, Pro's Eric Wolff reports. Walker, an independent, called climate change a "nonpartisan issue."

CONFIRMATION HEARING WATCH — GARRETT GETS HIS DAY: Ahead of his hearing today on his nomination to run the Export-Import Bank, former Rep. Scott Garrett switched positions and said in prepared testimony that, if confirmed, "the Export-Import bank will continue to fully operate, point blank." But look for committee members to aggressively press him on that: "Simply saying he now supports the bank this way doesn't mean his personal attitude about the bank has actually changed," Sen. Heidi Heitkamp told reporters. The Senate Banking Committee kicks the session off at 10 a.m.

NASA pick up as well: Oklahoma Rep. Jim Bridenstine gets a Senate Commerce confirmation hearing today on his controversial NASA chief nomination at 10 a.m. Look for questions about his views on climate change to pop up among panel Democrats. Watch here.

Clovis still moving forward: Senate Agriculture Chairman Pat Roberts said he still intends to move ahead with Sam Clovis' controversial selection to be USDA's chief scientist and described him as "a fully cooperative witness" in the Senate's investigation into Russian interference in the 2016 election, Pro Agriculture's Catherine Boudreau and Josh Dawsey report. That comes as NBC News reports Clovis met with special counsel Robert Mueller's team and testified before the investigating grand jury last week.

WATCH THE FLOOR: Climate Solutions Caucus members, led by Rep. Dan Lipinski, plan to hit the House floor late this afternoon during so-called special orders to discuss their priorities for climate action in the coming year. Republicans and Democrats are both expected to participate.

MAIL CALL! CONCERNS OVER RUSSIAN MEDDLING IN ENERGY MARKET: House Science Chairman Lamar Smith sent letters to Facebook, Twitter and Alphabet seeking information on "Russian entities purchasing anti-fracking or anti-fossil fuel advertisements or

promotions" on their platforms.

New England lawmakers bash EPA scientist censorship: Four New England senators and seven congressmen sent Pruitt [a letter](#) Tuesday seeking information about the decision to cancel the presentations of three scientists at a workshop on the health of Narragansett Bay. "You would not have taken kindly to Washington bureaucrats telling scientists in Oklahoma they couldn't speak with Oklahoma organizations to come up with 'neighborhood solutions' to better protect public health and a critical economic asset," they wrote. "Neither do we."

Time for an update: Seventeen House lawmakers, led by [Tim Walberg](#), sent FERC Chairman Neil Chatterjee [a letter](#) asking for a list of changes and reforms to the Public Utility Regulatory Policies Act the commission it believes it can make under existing authority. Among the changes they seek is undertaking "needed modernization to the Commission's PURPA one-mile rule regulations while taking into consideration non-geographic factors as well."

Truckers want biodiesel blenders credit, not producers: A group of trucking organizations want Congress to revive the biodiesel blenders tax credit and phase it down slowly. And they don't want it turned into a producers credit, as some Midwestern senators like [Chuck Grassley](#). "Shifting to a producer credit on the other hand would limit supply and raise the price of both diesel fuel and heating oil," NATSO and the other organizations wrote in a [letter](#) to House Ways and Means and Senate Finance leadership. "It would also subject the United States to potential trade policy disputes."

TAKE A GLANCE: Oceana is out with [new maps](#) highlighting what it says are Defense Department concerns that 94 percent of the waters off Virginia's coast and an estimated 78 percent of the waters off Georgia's coast are incompatible with offshore drilling due to military operations.

MUCH UNUSED ALASKAN ACREAGE: The Wilderness Society is out with a memo today ahead of a Thursday hearing in the Senate Energy and Natural Resources on drilling in ANWR that more than 22 million Arctic Alaskan acres currently available for lease are untouched. Read it [here](#).

MOVER, SHAKER: Paul Wight has joined Bracewell LLP as a partner in its energy regulatory group. He comes from Skadden, Arps, Slate, Meagher & Flom LLP.

QUICK HITS

— Boulder asks EPA to meet with residents about Clean Power Plan repeal. [Daily Camera](#).

— Gov. Dannel P. Malloy Signs Millstone Bill, But Points to Power Plant's Profitability. [Hartford Courant](#).

— Gov. Greg Abbott makes pitch in Washington for \$60 billion in Texas Harvey aid. [Dallas Morning News](#).

— Top Trump environmental pick said goal of UN 'climate crusade' is 'all-powerful' government. [CNN](#).

— U.S. gasoline demand rises modestly in August: EIA. [Reuters](#).

HAPPENING TODAY

9:30 a.m. — Center for American Progress hosts call to discuss potential opening up of ANWR to drilling, RSVP: Gwen@AlaskaWild.org

10:00 a.m. — Senate Commerce Committee confirmation [hearing](#) for Commerce and NASA nominees, Russell 253

12:30 p.m. — "[A Practitioner's Approach to Financing Energy Efficiency in Emerging Market](#)," Bernstein-Offit Building, 1717 Massachusetts Avenue NW, Room 500

3:00 p.m. — "[Developing Low Carbon Economies in Latin America](#)," The Wilson Center, One Woodrow Wilson Plaza, 1300 Pennsylvania Ave. NW

6:00 p.m. — American University's Center for Environmental Policy hosts a conversation with former EPA Administrator Gina McCarthy, Kerwin Hall, Room 301

THAT'S ALL FOR ME!

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/11/assessing-the-impact-of-pruitts-science-board-changes-025322>

Stories from POLITICO Pro

Pruitt seeks independent science advisers, critics see purge [Back](#)

By Emily Holden | 10/31/2017 05:22 PM EDT

EPA Administrator Scott Pruitt banned researchers who get EPA grants from serving on its advisory boards Tuesday, a move critics say will purge the influential bodies of top scientists and replace them with advisers from energy companies and conservative groups.

The move is the latest shift at EPA by Pruitt, who long contended during his previous role as Oklahoma attorney general that the agency had ignored states and businesses it regulated. Pruitt's move is expected to alter the advice from the scientific boards that is used for evaluating public health risks and writing regulations.

Pruitt said his new directive was designed to ensure the scientists who were giving EPA advice were truly independent, and not receiving agency funding. Current science board members had received \$77 million in research funding over the past three years, he said.

"To the American people across the country, we want to ensure that there's integrity in the process and that scientists that are advising us are doing so with not any type of appearance of conflict," he told an event at EPA headquarters with Rep. Lamar Smith (R-Texas), who heads the House Science Committee, and Sens. Jim Inhofe (R-Okla.) and Mike Rounds (R-S.D.).

Environmental advocates and Democrats quickly condemned the announcement as hypocritical, since many of the industries that could have representation on the boards stand to benefit from Pruitt's efforts to roll back or stall environmental standards.

"It flies in the face of a long history of Republicans and Democrats who took their jobs seriously as EPA administrator," Sen. Brian Schatz (D-Hawaii) told POLITICO. "He is single-handedly doing the most violence to science itself of any member of any administration in recent history."

Sen. Tom Carper (D-Del.) said Pruitt's "efforts to delegitimize the work of nonpartisan scientists doesn't just offend the long tradition of this science-based agency," but also "endangers the health of every American."

"Mr. Pruitt has repeatedly worked to silence EPA scientists, deny the facts and discredit science inconvenient to his agenda; now he's trying to get rid of agency access to scientific advice altogether," Carper said in a statement.

The new policy applies to EPA's Science Advisory Board, which considers whether the research the agency uses to make decisions on protect public health is rigorous enough, as well as the Clean Air Scientific Advisory Committee, which is required by law to recommend science-based standards to control air pollution. It also applies to the Board of Scientific Counselors, which advises EPA's Office of Research and Development.

At least five of the 47 current SAB members appear to receive funding under EPA grants, according to an analysis by the Union of Concerned Scientists.

Members, Pruitt said, "will have to choose: either the grant or service, but not both."

Three other SAB members who are serving unexpired terms did not appear on an unconfirmed list of prospective members, while some other members' terms won't be renewed. In all, Pruitt could fill more than half the spots on the panel.

"The real intention of doing this is so he can wipe out the current composition of the Science Advisory Board," said Joe Arvai, a researcher from the University of Michigan whose SAB term ended in September and will not be renewed. "They know the numbers. They know if they can do this, they can effectively wipe from the rolls the vast majority of people the previous administration appointed."

Arvai said the new directive would allow Pruitt to stack the board with "scientists for hire who would be more than happy to rubber-stamp his deregulatory agenda."

Angela Nugent, a staffer for the SAB from 1998 to 2015, said that board's vetting for potential conflicts of interest was already extensive, and she noted that industry scientists already held spots on the SAB, which has reviewed such controversial issues as the environmental impacts of fracking for oil and gas.

"We try to get eminent scientists on the SAB, its standing subcommittees and its panels," Nugent said. "We want to get people who can speak authoritatively from their disciplinary perspective."

The other board, CASAC, recommends acceptable levels of pollutants such as soot, smog, lead, sulfur dioxide, nitrogen dioxide and carbon monoxide. It has long been a target for Republicans and industry groups who say EPA scientists have an anti-business bias and conceal data they use to come to conclusions. But the courts have repeatedly required the agency to abide by CASAC recommendations.

The dismissals appear to hit scientists from Harvard University, Stanford University, Carnegie Mellon University and the University of California at Berkeley who study cancer, immunology and respiratory diseases, as well as the effects of exposure to chemicals.

Their replacements, according to the list of new appointees, could include Richard Smith, a longtime consultant for the American Petroleum Institute and University of North Carolina professor who has opposed tougher ozone standards and questioned benefits the Obama administration claimed for lowering particulate matter levels.

Another new appointee is Stan Young, a scientist who formerly worked for major pharmaceutical companies and is affiliated with the Heartland Institute, an advocacy group that argues there is no link between human activity and climate change.

Several potential incoming members are from state environment agencies, including former North Carolina Department of Environmental Quality Donald van der Vaart, a chemical engineer. Van der Vaart opposed the Obama EPA's climate standards for power plants, which Pruitt has begun to unwind.

Myron Ebell, an early EPA adviser to the Trump administration who works at the conservative Competitive Enterprise Institute, said van der Vaart is an "outstanding" choice, citing his doctorate in chemical engineering from Trinity, Cambridge, a law degree, and a substantial publication record in science and law.

"But on top of that he knows how science interacts with regulation and also how the EPA interacts with state environmental agencies because he has been an air regulator in N.C. for over 20 years and served for several years as secretary of environmental protection in the McCrory administration," Ebell said.

Pruitt also announced the heads of the three panels on Tuesday and said he will disclose other appointees in the next week.

Michael Honeycutt, of the Texas Commission on Environmental Quality, will chair the Science

Advisory Board, while Tony Cox, a statistician from Cox Associates, will head the air advisory board. Both have argued against the benefits of reducing smog, which irritates the lining of the lungs and can cause asthma attacks.

Paul Gilman, chief sustainability officer at Covanta and a former EPA official under President George W. Bush, will serve as chairman of the panel that advises the Office of Research and Development.

Among the scientists losing their positions is Robert Johnston, an economics professor at Clark University who has been on the Science Advisory Board for five years. His research team receives EPA funding to study how and why Americans value and benefit from different kinds of improvements to water quality improvements, one of the core causes that Pruitt has repeatedly said he supports.

Johnston said his grant hasn't affected his advice to EPA on a range of issues, from toxicology assessments to methods for evaluating the benefits and costs of environmental regulations.

"I've put a lot of work into trying to do my best to help the EPA use the best science possible to make good decisions on behalf of the public," Johnston said. "I think it's really unfortunate that that role is now being politicized in a way that it never has before under any administration. In my personal view, this doesn't have anything to do with science, it has to do with politics."

Scientists at academic institutions typically get their funding from a variety of government sources and foundations, as well as some companies who are seeking unbiased information on specific issues.

Former EPA officials familiar with the boards stressed that they review each member's work history for any appearance of bias.

"There are systems to make them competitive, independently reviewed and selected away from the politics of EPA," said Tom Burke, the head of the Office of Research and Development under former President Barack Obama. "So the question becomes, why would EPA choose to eliminate from service to our national EPA the best and brightest from the fields of environmental science?"

Anthony Andragna and Eric Wolff contributed to this report.

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McConnell floats rules change to limit debate on nominations [Back](#)

By Elana Schor | 10/31/2017 04:07 PM EDT

Senate Majority Leader Mitch McConnell (R-Ky.) suggested on Tuesday that he would support a rules change limiting Democrats' ability to delay confirmation of President Donald Trump's nominees.

Although they cannot filibuster Trump's nominees because of previous rules changes, Democrats have tied up the Senate floor with lengthy confirmation debates — from Cabinet nominees to a series of less-senior names whose approvals were delayed during the tense battle over Obamacare repeal.

McConnell has committed to maintaining the Senate minority's power to filibuster legislation, but on Tuesday he left the door open to backing further limits on Democratic slowdowns of the confirmation process.

The consideration process for presidential nominees "is a different matter" than the legislative filibuster, McConnell said, lambasting recent Democratic slowdowns as "just simply ridiculous."

McConnell's protest rings hollow for Democrats who keenly recall his obstruction of former President Barack Obama's nominees, including Judge Merrick Garland's failure to get a hearing after Obama nominated him to the Supreme Court.

"Sen. McConnell does not come to the court with clean hands on these issues," Senate Minority Leader Chuck Schumer (D-N.Y.) told reporters when asked about the Kentucky Republican's suggestion of a future rules change. "He delayed and blocked so many of Obama's nominees."

Schumer, like many of his fellow Democrats, also noted that Trump already has gotten more judges confirmed to the federal bench than Obama did at the same point in his presidency, despite the GOP's push for a faster pace of confirmations.

McConnell cited a proposal crafted by Sen. James Lankford (R-Okla.) that would limit the minority's power to run out the clock after debate has been formally curtailed. Lankford began floating the idea in April as Democrats forced a procedural showdown over the confirmation of Supreme Court Justice Neil Gorsuch — who occupies the seat Garland had been nominated to fill.

The Senate currently has 30 hours of floor time to discuss a nominee after cloture is invoked to limit debate, and Lankford's plan would limit that to 8 hours.

McConnell said on Tuesday that "there may be a possibility to adjust" the amount of time Democrats have to prolong floor debate on nominees after cloture is invoked "in a way more consistent with the Senate, and the administration getting its positions filled in a timely fashion."

McConnell suggested that Lankford is seeking Democratic buy-in for the rules change, and Lankford said through a spokesman: "Conversations with my colleagues about my proposal have been positive. The American people expect us to get more work done."

But another member of GOP leadership said that bipartisanship shouldn't be a requirement in

order to limit the minority's ability to force lengthy confirmation debates.

If Democrats don't scale back their delays, "I think we should do whatever is necessary, either with cooperation or without, to stop that procedure from being used to keep us from the other work we need to do," said Missouri Sen. Roy Blunt, No. 5 in Republican leadership. "It's obvious that's what they're doing."

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House GOP delays tax bill rollout [Back](#)

By Rachael Bade, Bernie Becker, Brian Faler and Aaron Lorenzo | 10/31/2017 05:43 PM EDT

House Republicans postponed the much-anticipated rollout of their tax reform proposal Tuesday night, an ominous sign for a direly needed legislative accomplishment for President Donald Trump and his party.

House Ways and Means Committee members spent all day Tuesday holed up in conference rooms trying to iron out last-minute disagreements. Senior committee staff worked through the night Monday and were expected to do the same on Tuesday to unveil the bill at a GOP Conference meeting at 9 a.m. Wednesday.

But in a move that foreshadows the difficulties awaiting the party of Reagan, GOP leaders and tax writers postponed their big reveal to buy themselves more time. They now hope to release the bill Thursday but privately acknowledge they have a number of disagreements to resolve first.

The delay comes despite the half-decade Republicans have spent readying themselves for this very moment. The Ways and Means Committee for years has held tax hearings and working groups, but overhauling the code means creating winners and losers in a politically sensitive environment.

The stakes couldn't be higher. After failing to repeal Obamacare, tax reform could mean the difference between a Republican majority and a Democratic takeover in 2018.

But for the bill to pass, Republicans — known for their constant infighting — will have to unify. That's proving easier said than done.

Rumors of a potential postponement started to spread Tuesday afternoon. At the center of the problem were questions about how to pay for the proposed \$5.5 trillion in tax cuts, since any major revenue-generator is certain to antagonize some powerful lobby or group of lawmakers who could defeat it.

"Our plan is to release the bill tomorrow," Ways and Means Committee Chairman Kevin Brady

told reporters Tuesday afternoon, leaving himself some wiggle room for a delay. Asked whether the expected Wednesday release would be legislative text, Brady responded: "When we release the bill, it will be text."

Later, Brady issued a statement formally announcing the delay, adding, "We are pleased with the progress we are making and we remain on schedule to take action and approve a bill at our Committee beginning next week."

Some details of the bill started leaking out Tuesday after Speaker Paul Ryan briefed conservative leaders on text that had been finalized. The proposal, sources in the meeting said, would lower the corporate tax rate to 20 percent, meeting their initial goal. They've also decided to keep the current top 39.6 percent tax rate on the wealthiest individuals — though they have not settled on which incomes would be hit by that rate.

Ryan told conservative group leaders Thursday that the income threshold for the top rate would likely be higher than it currently is, likely between \$750,000 and \$1 million. He said the estate tax would likewise be repealed but may have to be phased out to save money in the short term.

But it's the unresolved issues that caused Ways and Means members the most heartburn this week — and ultimately led to the delay. Those include: how to win over GOP lawmakers from high-tax states that are balking over curbing the state and local tax deduction, which their constituents rely on. There are also question about how to ensure that wealthy individuals don't take advantage of the lower 25 percent small business or "pass-through" rate.

Many of the unresolved items are hot-button issues, including what to do with 401(k) retirement plans.

Trump asked Brady in a phone conversation last week to drop his plans to curb such tax preferred savings. And some senior House Republicans who believe that doing so would incite severe pushback have been urging Brady to leave the matter alone.

But Brady has refused to ditch the idea of imposing some limitation on the popular retirement plans. The reason comes down to basic math: Republicans want to lower the corporate tax rate to 20 percent, and collapse and lower individual rates into four brackets — and targeting 401(k) plans could help pay for those cuts.

The search for cash is one reason the panel earlier this week briefly considered the idea of phasing in the lower corporate tax rate over several years instead of immediately all at once — an idea Senate tax writers has discussed.

But the White House and more than a few GOP tax committee members quickly nixed that proposal, and it is not expected to be included in the legislation.

"We're not looking for that, no," Trump told reporters when asked Tuesday whether he was open to such a phase-in. "We're not looking for that. Hopefully not."

Ways and Means members have been trying to tweak other provisions in search of savings. Sources say the panel has been sending proposals to the Joint Committee on Taxation several times a day to see how much money they would save, and then shopped the ideas to panel members.

"I would say there is a lot of Red Bull and Monster being drank in there right now," said Rep. Doug Collins (R-Ga.), vice chairman of the House Republican Conference. "The whole Ways and Means crew knew this would be a tough lift — and we've not even gotten to the rollout of the actual details yet!"

The vast majority of House Republicans have only an inkling of what's in the legislation. The details, including the key question of who loses under the legislation, have been closely held by party leaders for months in order to keep lobbyists at bay. Even tax aides to members of the Ways and Means committee have not yet been briefed on the plan.

Ryan "said the committee is 'turning the dials' and getting it to work. It's all last-minute stuff," said Scott Hodge, president of Tax Foundation, as he left Ryan's office after meeting with the speaker. "I think they have all this — it's just a matter of tweaking ... addressing certain members' interests and concerns."

During a gaggle Tuesday, Brady suggested there were plenty of key decisions that still needed to be made before a measure could be rolled out, and that the GOP Conference's response would likely lead to some changes in the bill before it's considered by his committee — a mark-up that's supposed to be next week.

Without offering details, Brady said the House bill would either strengthen retirement accounts or leave them as is, and noted that he still planned to have further meetings with GOP lawmakers from New York and New Jersey concerned about the state and local tax deduction ahead of the tax overhaul's release.

"We certainly are listening very carefully to make sure that we're delivering tax relief for those families," he said.

And asked whether final decisions had been made on expanding the child tax credit and where to set individual brackets, Brady would offer only: "I think we have a real good feel for all of this."

Time is running out to move those dials, however. And Republicans may have to release their tax plan without all the wrinkles ironed out.

Some Republicans think that's exactly what will happen with the dispute over the state and local tax deduction. As a middle ground, Brady has floated the idea of allowing people to deduct their property taxes. But leaders are not sure the change would be enough to win over Republicans from New York and California who could block any tax bill that hurts their constituents.

By leaving some matters unresolved, GOP leaders risk blowback at a time when they're in desperate need of momentum. House leaders hope to pass the tax bill by Thanksgiving and send

the bill to Trump before the end of the year.

They could know as early as Thursday afternoon whether that's an impossible feat. Within just a few hours of unveiling their Obamacare replacement bill last spring, GOP leaders knew they had a serious problem: Conservatives came out swinging against the plan, which they dubbed "Obamacare lite."

Something similar happened when former Ways and Means Chairman Dave Camp (R-Mich.) released his own tax bill in 2014. The Republican Conference turned on him and the bill, scoffing at the pay-fors and leaving the bill dead in the water.

GOP leaders and Brady are doing their utmost to safeguard against such a situation this time.

Ryan (R-Wis.) huddled with Trump at the White House on Tuesday afternoon before meeting with conservative tax leaders who are expected to help defend the tax plan against attacks from Democrats or K Street. And they're expected to try to rally the GOP Conference around the bill Thursday morning — if there's a bill by then.

Even if the already-delayed rollout goes smoothly, the tax bill has a long road ahead.

The Senate tax bill, expected to be released next Wednesday, is likely to look different from the House's. Some of the tough choices that the House made might not fly among Senate Republicans, who have a narrow margin for passage and can lose only two GOP votes.

Sen. John Thune, the chamber's No. 3 Republican, for instance, said the Senate is undecided about what to do with the state and local tax deduction.

"We're trying to sync this up as much as we can, but we realize there's going to be differences of opinion," said Thune.

Sen. Bob Corker (R-Tenn.) suggested that resolving those issues might drag them well past New Year's Eve.

"I know there's going to be a lot of hype around the fact that if Republicans somehow don't pass tax reform by the end of the year, then X happens, but I'm a lot more focused on the details of the policies that we put in place," he said. "If it takes longer to get it done right, that's not an issue to me."

Nancy Cook, Josh Dawsey and Colin Wilhelm contributed to this report.

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Alaska to tackle climate change, meet Paris goals [Back](#)

By Eric Wolff | 10/31/2017 03:55 PM EDT

Alaska Gov. Bill Walker (I) said today the state will try to meet the goals of the Paris climate accord, and he announced the creation of a new committee to address the impacts of climate change.

Walker, a former Republican turned independent in 2014, called climate change a "nonpartisan issue."

"We're going to follow the goals of the Paris accord," he said. "We're going to do them in our time frame, and in our way. "

President Donald Trump earlier this year promised to withdraw the U.S. from the Paris climate agreement, but some states and cities aim to comply on their own.

Walker said he recognized the contradiction in trying to address climate change from a state whose economy is 70 percent based on oil and natural gas production.

"There are those who will say, 'How do you balance the two?' But we have to," he said. "We will continue to responsibly develop our non-renewable resources and use that as the bridge funding to do what we need to do deal with the impact of climate change on Alaska."

At least 10 villages in Alaska will have to be uprooted before they are swamped by rising sea levels, and Walker said he was "not confident" the federal government will help with relocation costs.

WHAT'S NEXT: Lt. Gov. Byron Mallott (I) will chair Walker's Climate Change for Alaska Leadership Council, and he will seek nominees for the rest of the board's seats.

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Clovis said to be 'cooperative witness' in Senate Russia probe [Back](#)

By Catherine Boudreau and Josh Dawsey | 10/31/2017 12:44 PM EDT

Sam Clovis, President Donald Trump's controversial nominee to be the Agriculture Department's chief scientist, has been "a fully cooperative witness" in the Senate Intelligence Committee's investigation of Russian interference in the 2016 election, Senate Agriculture Chairman Pat Roberts told POLITICO.

Clovis, a former co-chair and policy adviser to Trump's campaign, knew that another campaign adviser, George Papadopoulos, was talking to Russians, according to documents released

Monday as part of special counsel Robert Mueller's probe and campaign and administration officials.

Papadopoulos was arrested in late July and pleaded guilty to a charge that he made false statements to the FBI about his contact with a professor who has ties to the Kremlin and promised thousands of pages of emails related to Hillary Clinton.

Meanwhile, NBC News reported Tuesday that Clovis has been questioned by Mueller's team and has testified before Mueller's grand jury.

Clovis' nomination to the top scientific job at the Agriculture Department has already drawn significant opposition from Democrats and scientists who have raised concerns about his climate-change skepticism, his credentials and his history of making disparaging statements about blacks, women, LGBT individuals and others. But there's been no public opposition from Republicans.

Roberts said Monday that he planned to continue with a scheduled Nov. 9 confirmation hearing. But on Tuesday, when asked whether he'd consider delaying the hearing amid the Russia developments, he said that was "to be determined."

"I don't think he's a target of any investigation," Roberts said of Clovis on Monday, describing him as someone likely on the fringes of the inquiry.

Clovis brought Papadopoulos into the campaign in March 2016, when he was asked to put together a foreign-policy advisory committee, according to the administration and campaign officials, who spoke on the condition of anonymity. Trump felt pressure to hastily assemble a team because he was getting criticism for a lack of foreign policy manpower, these people said.

But Clovis, an Air Force veteran and radio host who taught management and public policy at Morningside College in Iowa until 2015, didn't have foreign-policy connections and scrambled to find people willing to align themselves with Trump. He brought in a group of people with little vetting, the officials said.

Papadopoulos had little contact with most campaign insiders, but he was in touch with Clovis, the people said.

Victoria Toensing, a lawyer representing Clovis, said in an e-mailed statement that after an initial meeting of the advisory panel, all of Papadopoulos' communications with the campaign were "self-generated," and that Clovis did not believe an improved relationship with Russia should be a foreign policy focus of the campaign.

"Dr. Clovis always vigorously opposed any Russian trip for Donald Trump or staff," Toensing said. "However, if a volunteer made any suggestions on any foreign policy matter, Dr. Clovis, a polite gentleman from Iowa, would have expressed courtesy and appreciation."

Neither Senate Intelligence Committee officials nor the USDA press office responded to a

request for comment.

Minority Leader Chuck Schumer and Agriculture ranking member Debbie Stabenow, along with a handful of other Democrats, have publicly announced their opposition to Clovis. They argue that Clovis does not have the academic and research background required for the post, and also point to the disparaging comments, including some about former President Barack Obama and House Minority Leader Nancy Pelosi.

Elana Schor contributed to this story.

To view online [click here](#).

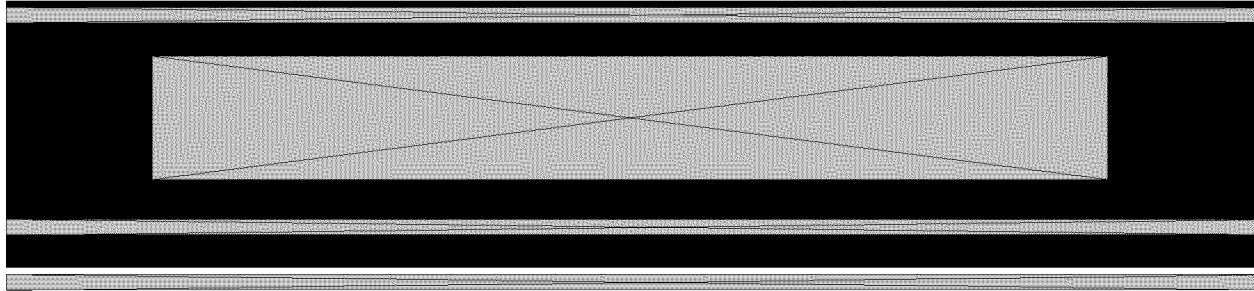
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Background Checks, References, and Pre-Employment Testing: New Legal Pitfalls for Employers

November 21, 2017 @ 1 PM (ET)

The failure of employers to adequately check or test the background of applicants can result in harm and liability for negligent hiring and reckless endangerment. BUT the "victims" of improper background investigations also have legal challenges. Please join us as we explain an employer's need for secure and effective hiring while avoiding improper practices. We will review the key points relating to: negligent hiring, criminal background checks, reference checks, pre-employment testing, the Fair Credit Reporting Act, the ADA, Title VII discrimination, honesty, "right fit" and personality traits testing.

The Foundation of Contract Drafting: The Devil Is in the Details

November 28, 2017 @ 1 PM (ET)

Experienced attorneys know that a well-drafted contract can serve to define the parties' relationship in an agreement in order to avoid conflicts down the road and as the vehicle for conflict resolution when things go south. Ambiguities, omissions and inconsistencies can doom the relationship and complicate any subsequent conflicts. Please join us as we discuss the core principles that should appear in any well-drafted contract to help ensure that the parties' relationship on paper is well-defined and includes the proper safeguards to protect your client's interests.

Raising Capital, Finding Investors, Crowdfunding, and Crowdsourcing: Issues When Seeking Money to Grow the Business

November 29, 2017 @ 1 PM (ET)

Often, businesses face the need to raise capital or find investors to facilitate business growth. It isn't as simple as just taking money from a willing investor, however. Adding investors to your business can raise all sorts of challenges, from its impact on the existing ownership structure of the business to complying with securities laws and reporting obligations. This webinar offers insights into the various ways to raise capital, as well as the legal issues that every counsel should understand to help the company choose the best course of action.

Employee Handbook Update: Important Revisions to Ensure Legal Compliance and Avoid Liability

November 29, 2017 @ 1 PM (ET)

All employers should have well-drafted employee handbooks to communicate policies and procedures that apply to the workplace. Too often, however, those handbooks are not reviewed or updated regularly despite rapid changes to the legal landscape when it comes to employment and labor issues. This webinar will help you better understand important protections that your employee handbook needs to contain to best protect you, and what recent legal issues require revisions.

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From: EPA Press Office
Sent: Tue 10/31/2017 9:19:00 PM
Subject: CBS: Exxon And EPA Agree To A Major Pollution Settlement

CBS NEWS

Exxon And EPA Agree To A Major Pollution Settlement

NOTE: Patrick Traylor, a former energy industry lawyer hired by new EPA Administrator Scott Pruitt, said the settlements show that the Trump administration will enforce environmental laws "with prudence and with excellence." Traylor said the deals bring "two very well-respected companies" back into compliance with environmental laws. "Now they can continue their work of driving economic growth," he said.

Exxon And EPA Agree To A Major Pollution Settlement

CBS News

October 31, 2017

<https://www.cbsnews.com/news/exxon-epa-settle-pollution-case/>

Exxon Mobil (XOM) settled air pollution violations with the Trump administration by paying a \$2.5 million civil penalty and promising to spend \$300 million on pollution-control technology at several plants along the Gulf Coast.

Federal officials said Tuesday that the settlement will prevent thousands of tons of future pollution, including cancer-causing benzene, from eight petrochemical plants in Texas and Louisiana.

Some environmentalists attacked the settlement as insufficient punishment for years of violations by the giant oil company, while others said it addressed excess burning or flaring of gas, a key pollution problem at Exxon plants.

The deal settles allegations that Exxon violated the federal Clean Air Act by releasing excess harmful pollution after modifying flaring systems at five plants in Texas and three in Louisiana. The allegations date back more than a decade.

Exxon said it will install and increase the efficiency of the flaring systems and monitor for benzene outside four of the plants.

The Justice Department and the state of Colorado announced a smaller settlement over pollution charges against Denver-based PDC Energy (PDCE). The company will spend about \$20 million to upgrade equipment and pay a \$2.5 million civil penalty to the federal government and Colorado. Up to \$1 million of the state's share can be forgiven if the company performs certain environmental projects.

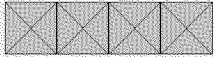
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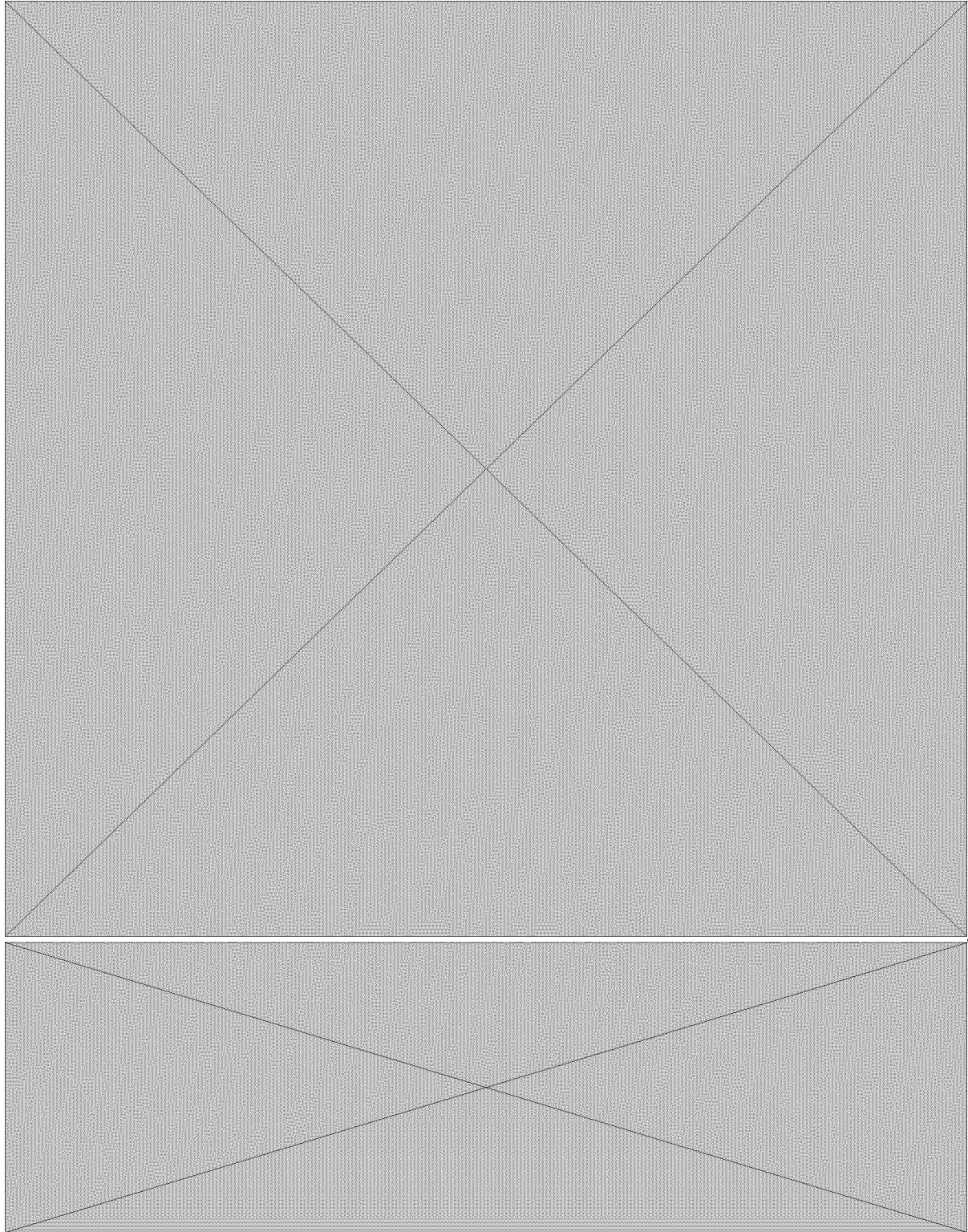
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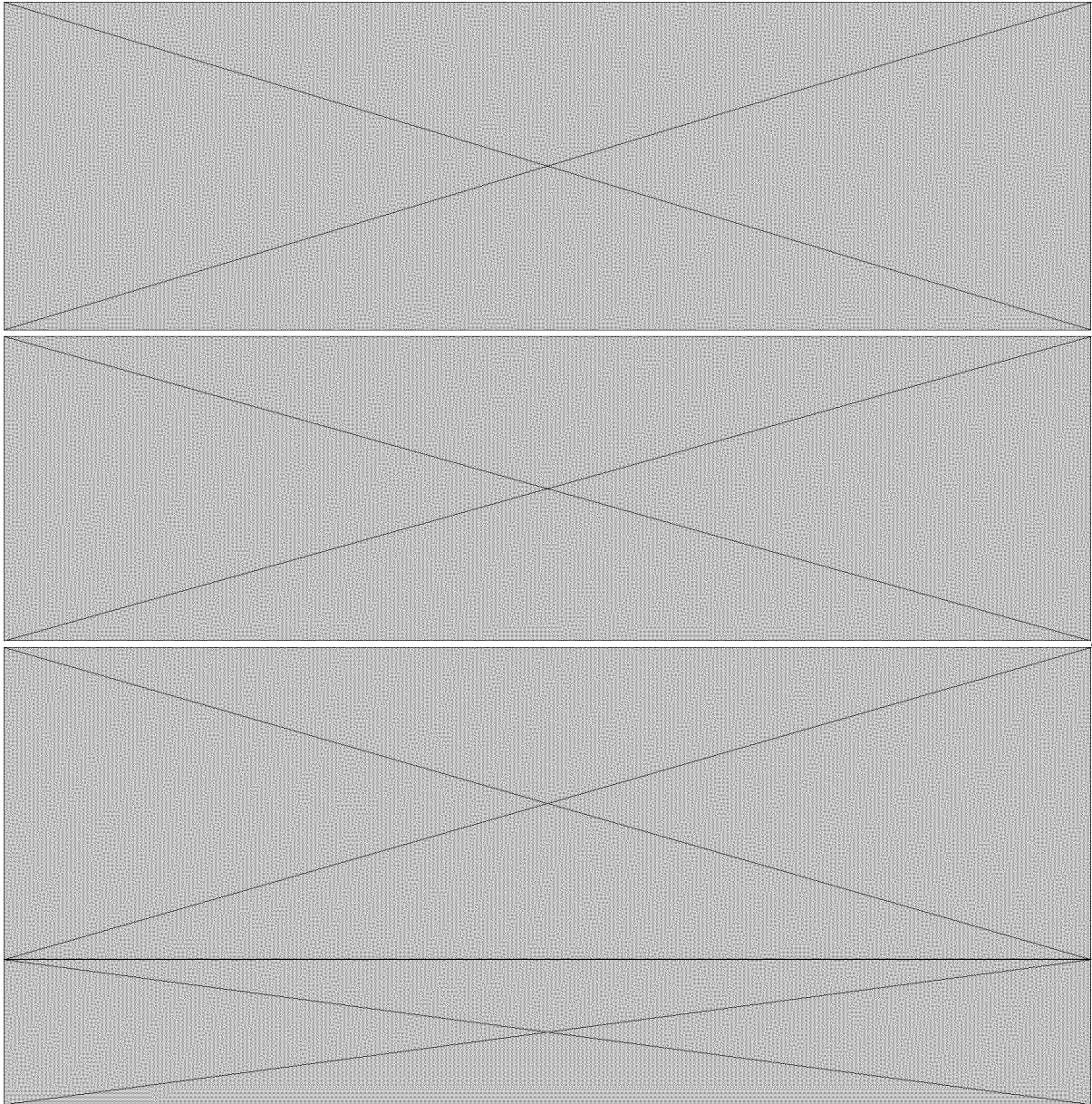


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From: POLITICO Pro Energy Whiteboard
Sent: Tue 10/31/2017 7:57:03 PM
Subject: Alaska to tackle climate change, meet Paris goals

By Eric Wolff

10/31/2017 03:55 PM EDT

Alaska Gov. Bill Walker (I) said today the state will try to meet the goals of the Paris climate accord, and he announced the creation of a new committee to address the impacts of climate change.

Walker, a former Republican turned independent in 2014, called climate change a "nonpartisan issue."

"We're going to follow the goals of the Paris accord," he said. "We're going to do them in our time frame, and in our way. "

President Donald Trump earlier this year promised to withdraw the U.S. from the Paris climate agreement, but some states and cities aim to comply on their own.

Walker said he recognized the contradiction in trying to address climate change from a state whose economy is 70 percent based on oil and natural gas production.

"There are those who will say, 'How do you balance the two?' But we have to," he said. "We will continue to responsibly develop our non-renewable resources and use that as the bridge funding to do what we need to do deal with the impact of climate change on Alaska."

At least 10 villages in Alaska will have to be uprooted before they are swamped by rising sea levels, and Walker said he was "not confident" the federal government will help with relocation costs.

WHAT'S NEXT: Lt. Gov. Byron Mallott (I) will chair Walker's Climate Change for Alaska Leadership Council, and he will seek nominees for the rest of the board's seats.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/10/alaska-to-tackle-climate-change-meet-paris-goals-094999>

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From: POLITICO Pro
Sent: Tue 11/7/2017 8:27:57 PM
Subject: House flood insurance bill delayed

By Zachary Warmbrodt

11/07/2017 03:25 PM EDT

The House Rules Committee has delayed a hearing scheduled for today on a bill reauthorizing the National Flood Insurance Program amid questions about whether the legislation had enough support to move forward this week.

A spokesman for House Majority Whip Steve Scalise (R-La.) declined to discuss how vote counting for the bill had gone but said "we are doing the work to have a good vote on this legislation."

Several Republicans from coastal districts have pushed back against the package since the House Financial Services Committee approved it this summer.

Scalise was once in the camp fighting the bill but last week resolved his issues in a deal with Financial Services Chairman Jeb Hensarling (R-Texas). They had hoped for a House vote on passage this week.

It was unclear how many of the other Republicans with concerns were coming around to support it. Financial Services ranking member Maxine Waters (D-Calif.) and Rep. Cedric Richmond (D-La.) are trying to rally opposition.

"It's not unusual for some members to answer 'undecided' to an initial whip check, and usually that means they have some questions about the legislation they want to talk over with the chairman or whip," Scalise spokesman Chris Bond said. "The whip and the chairman are having productive conversations with members as we work toward a floor vote, and members understand how critical it is to reauthorize this program."

WHAT'S NEXT: The National Flood Insurance Program is set to expire Dec. 8.

To view online:

<https://www.politicopro.com/financial-services/whiteboard/2017/11/house-flood-insurance-bill-delayed-095330>

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From: POLITICO Pro Energy Whiteboard
Sent: Tue 10/31/2017 7:09:58 PM
Subject: Pruitt bars EPA grant recipients from advisory positions

By Emily Holden

10/31/2017 03:06 PM EDT

EPA Administrator Scott Pruitt officially announced today he will bar scientists who receive agency grants from serving on EPA advisory boards, a move he said was designed to preserve the EPA's scientific integrity.

Pruitt's move will force some current scientific advisers to either give up funding or resign their board positions. Other open seats on the Science Advisory Board and Clean Air Scientific Advisory Committee are being filled by employees of fossil fuel and chemicals industries or red state environmental offices, according to an unconfirmed list of new appointees. The changes also affect the Board of Scientific Counselors, EPA said in a press release.

Pruitt announced new chairs of the three boards but said he will make other new members public in the next week.

Michael Honeycutt, of the Texas Commission on Environmental Quality, will head SAB, while Tony Cox, a statistician from Cox Associates, will head CASAC, which is required by law to suggest air quality limits based on science. Paul Gilman, chief sustainability officer at Covanta and a former EPA official under President George W. Bush, will head the BOSC.

Current members who may lose their spots say the changes are meant to stack the boards with industry-financed individuals who support Pruitt's deregulatory efforts. John Walke, senior attorney and clean air director for the Natural Resources Defense Council said the biggest credential Cox has is "a very, very public record of testifying against public air quality standards."

Pruitt said that current members of the committees received \$77 million from EPA grants.

The announcement came with a memo and draft directive.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/10/pruitt-bars-epa-grant-recipients-from-advisory-positions-094992>

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Sent: Tue 11/7/2017 7:12:04 PM
Subject: Waters, Richmond rally opposition to flood insurance bill

By Zachary Warmbrodt

11/07/2017 02:09 PM EDT

House Financial Services ranking member Maxine Waters (D-Calif.) and Rep. Cedric Richmond (D-La.) are urging lawmakers to oppose a bill that would reauthorize and overhaul the National Flood Insurance Program.

In a "dear colleague" letter, the two lawmakers said the bill that the House is taking up this week would "make flood insurance more expensive, less available and less fair for millions of Americans."

"Although we have pushed for a long-term reauthorization bill that ensures the continued availability and affordability of flood insurance, this bill does neither," they wrote. "H.R. 2874 is a step in the wrong direction for families and businesses across the country."

In addition to the opposition from Democrats, it was unclear today how much support House Republicans looking to pass the bill would have from their own party. Since the committee approved the bill this summer, several Republicans from coastal districts have pushed back.

WHAT'S NEXT: The House Rules Committee will hold a hearing on the bill at 3 p.m.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/11/waters-richmond-rally-opposition-to-flood-insurance-bill-095321>

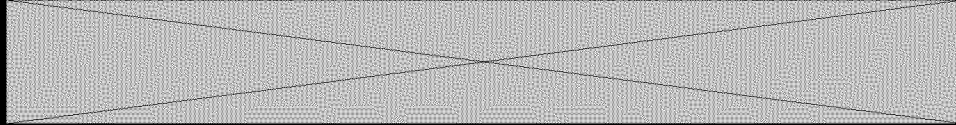
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Exempt or Non-Exempt Worker Classification: What the FLSA Requires

November 9, 2017 @ 1 PM (ET)

The Department of Labor (DOL) continues its aggressive crackdown on employers for improper classification of workers as exempt when the employee is actually non-exempt under the Fair Labor Standards Act (FLSA). The risk to employers from getting the exempt versus non-exempt classification decision wrong is not only from the DOL, but also from possible employee litigation. Properly determining who qualifies for overtime pay and who doesn't, however, is more complicated than it appears. Please join us we show you step-by-step how to determine when an employee is exempt or non-exempt based on FLSA requirements.

Independent Contractor or Full-Time Employee Classification: DOL & IRS Requirements, FLSA Rules for Using Unpaid Interns, and the Withdrawal of the DOL Administrator's Interpretation on Misclassification

November 14, 2017 @ 1 PM (ET)

The Department of Labor and the Internal Revenue Service are both stepping up their enforcement efforts with random audits, and levying significant financial penalties when they find that a worker has been classified incorrectly. Even the states are getting into the act with new laws penalizing employers for misclassifying workers. There is no question that HR needs a better understanding of how to apply the many rules and criteria when determining if employees are truly independent contractors or are actually employees. Please join us as we take you step-by-step through your own independent contractor self-audit to make sure that you have everyone classified correctly and are prepared with the documentation you need should your employer be selected for an audit.

Indemnifications: Problems and Pitfalls, Advantages and Solutions

November 14, 2017 @ 1 PM (ET)

"Indemnity," quite simply, means a legal duty to make good on any loss, damage or liability incurred by someone else. Effectively, when you or your client assumes an indemnification obligation, the risk shifts from the other party directly onto you or your client's back. It's no exaggeration to state that they are the most common deal breakers in contract negotiations and the most hotly contested clauses when the contract goes south and winds up in litigation. Please join as we delve deep into the risk-management thicket of indemnities, other limitations on liability, and related considerations.

FLSA Compensable & Overtime Rules: FLSA Requirements

November 15, 2017 @ 1 PM (ET)

What qualifies as compensable time? The FLSA is clear on this, but oftentimes employers aren't. Getting it wrong can be costly in terms of potential fines and possible litigation. Please join us as we explain the compensable and overtime rules step-by-step, give examples of the problems employers face and offer practical solutions that will keep you in compliance with the FLSA overtime and compensable time requirements.

Another New I-9 Form: Step-by-Step Review to Reduce Compliance Questions, Risks & Possible Penalties

November 16, 2017 @ 1PM (ET)

The U.S. Citizenship and Immigration Services (USCIS) has been making several revisions to its I-9 form within the last year. Employers understand that they need to ensure that their I-9 forms are in order or risk potential fines, penalties, and possibly even jail time. The new I-9 form only adds to the current complex atmosphere surrounding employment and immigration issues. To avoid potential problems, employers need to come up to speed quickly on the new I-9 form and understand what changes they may need to make to their current employee verification procedures. This webinar reviews the federal requirements that govern your employer's I-9 practices and goes through the changes to the I-9 employee verification form and how these may affect the employee verification procedures you already have in place.

Background Checks, References, and Pre-Employment Testing: New Legal Pitfalls for Employers

November 21, 2017 @ 1 PM (ET)

The failure of employers to adequately check or test the background of applicants can result in harm and liability for negligent hiring and reckless endangerment. BUT the "victims" of improper background investigations also have legal challenges. Please join us as we explain an employer's need for secure and effective hiring while avoiding improper practices. We will review the key points relating to: negligent hiring, criminal background checks, reference checks, pre-employment testing, the Fair Credit Reporting Act, the ADA, Title VII discrimination, honesty, "right fit" and personality traits testing.

The Foundation of Contract Drafting: The Devil Is in the Details

November 28, 2017 @ 1 PM (ET)

Experienced attorneys know that a well-drafted contract can serve to define the parties' relationship in an agreement in order to avoid conflicts down the road and as the vehicle for conflict resolution when things go south. Ambiguities, omissions and inconsistencies can doom the relationship and complicate any subsequent conflicts. Please join us as we discuss the core principles that should appear in any well-drafted contract to help ensure that the parties' relationship on paper is well-defined and includes the proper safeguards to protect your client's interests.

Raising Capital, Finding Investors, Crowdfunding, and Crowdsourcing: Issues When Seeking Money to Grow the Business

November 29, 2017 @ 1 PM (ET)

Often, businesses face the need to raise capital or find investors to facilitate business growth. It isn't as simple as just taking money from a willing investor, however. Adding investors to your business can raise all sorts of challenges, from its impact on the existing ownership structure of the business to complying with securities laws and reporting obligations. This webinar offers insights into the various ways to raise capital, as well as the legal issues that every counsel should understand to help the company choose the best course of action.

Employee Handbook Update: Important Revisions to Ensure Legal Compliance and Avoid Liability

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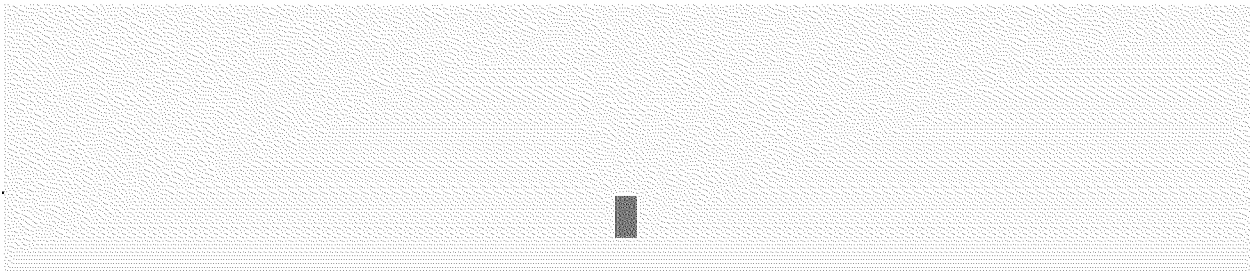
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From: POLITICO Pro Energy Whiteboard
Sent: Tue 10/31/2017 6:16:54 PM
Subject: EPA settles Exxon, PDC Energy pollution cases

By Ben Lefebvre

10/31/2017 02:15 PM EDT

The EPA said it has reached settlements with Exxon Mobil and Colorado-based PDC Energy to reduce emissions from the companies' chemical plants.

Exxon Mobil will spent \$300 million to install new pollution control and monitoring systems at eight of its Gulf Coast chemical plants as part of a settlement with EPA and the Department of Justice, the agencies said.

The settlement comes after the federal government accused the Exxon of failing to certify that new flaring equipment at the chemical plants met environmental standards. The new installations at Exxon's plants in Texas and Louisiana and will reduce volatile organic compounds emissions by more than 7,000 tons a year and other toxic air pollutants by more than 1,500 tons annually, the EPA said.

As part of the settlement, Exxon will also pay a civil penalty of \$2.5 million, according to the EPA, and also pay \$1 million to plant trees in Baytown, Texas, home to one of its largest refineries.

Separately, energy company PDC will spend an estimated \$19.7 million to upgrade its emissions prevention and monitoring systems at its sites, the EPA said. That settlement includes a \$2.5 million civil penalty.

The work by PDC is scheduled to end by June 30, 2019, and will reduce VOC emissions by an estimated 1,600 tons a year.

WHAT'S NEXT: Public comment on both settlements are open for the next 30 days.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/10/epa-settles-exxon-pdc-energy-pollution-cases-094991>

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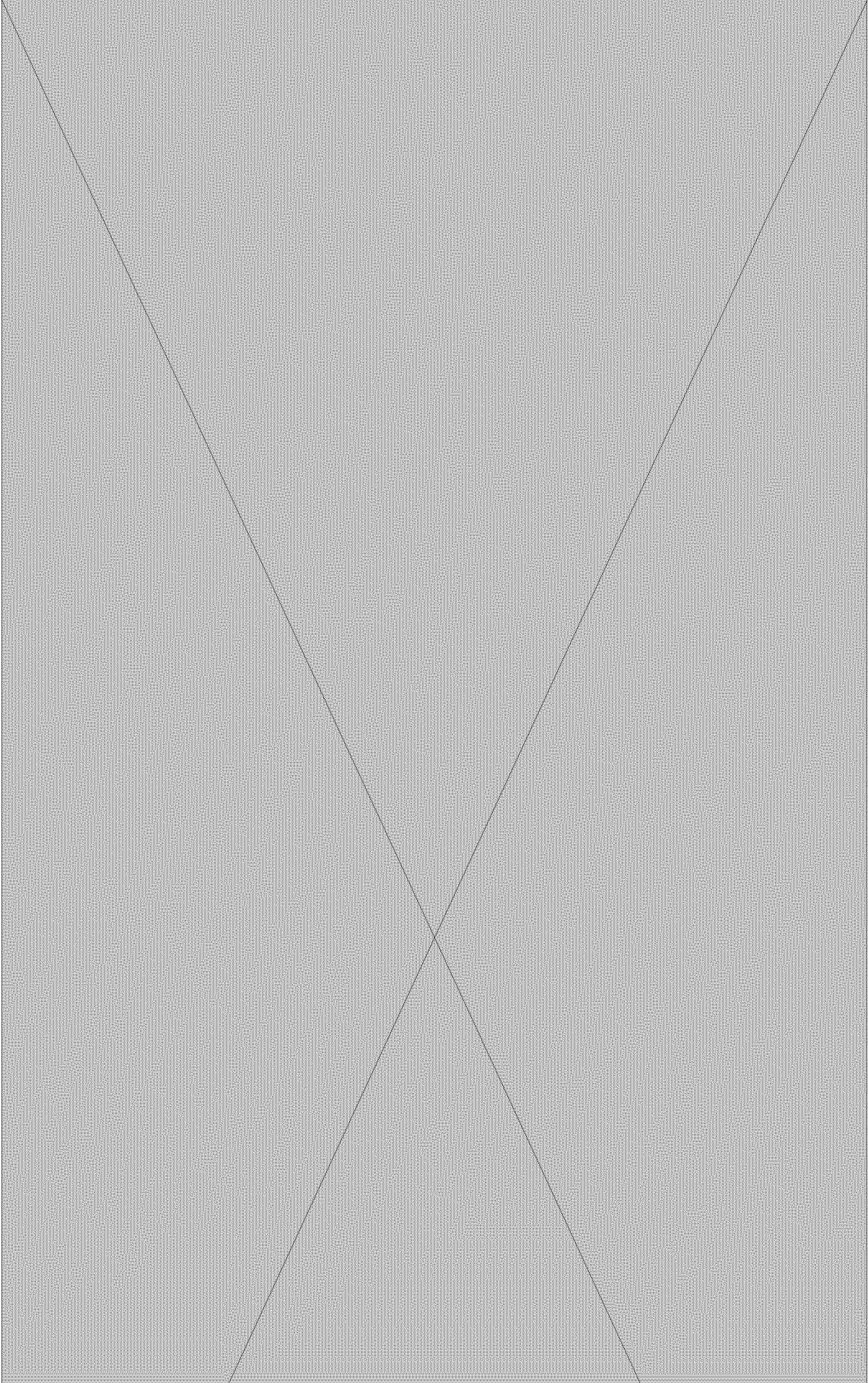
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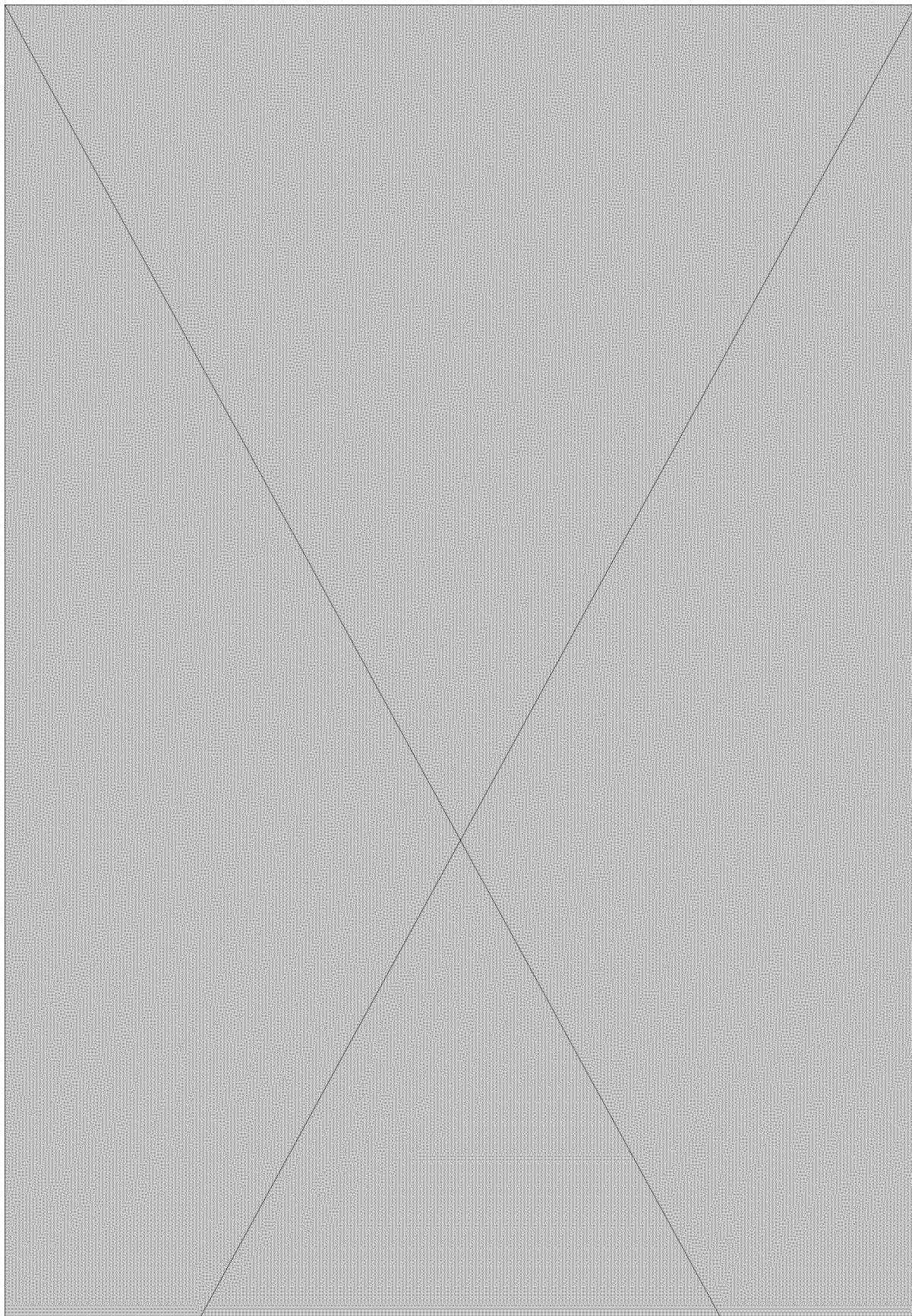
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Tue 11/7/2017 4:01:43 PM
Subject: Sponsored by the National Association of Chain Drug Stores: Opioid Abuse Solutions





This email was sent by: **Morning Consult**
PO Box 27068 Washington, DC, 20038, US

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Tue 10/31/2017 6:00:07 PM
Subject: Administrator Pruitt Issues Directive to Ensure Independence, Geographic Diversity & Integrity in EPA Science Committees

Administrator Pruitt Issues Directive to Ensure Independence, Geographic Diversity & Integrity in EPA Science Committees

WASHINGTON (October 31, 2017) – U.S. Environmental Protection Agency Administrator Scott Pruitt issued a new directive today to ensure that any advisors serving on an EPA Federal Advisory Committee (FAC) are independent and free from any real, apparent, or potential interference with their ability to objectively serve as a committee member.

“Whatever science comes out of EPA, shouldn’t be political science,” **said EPA Administrator Scott Pruitt**. “From this day forward, EPA advisory committee members will be financially independent from the Agency.”

The directive explains that: members shall be independent from EPA, which shall include a requirement that no member of any of EPA’s federal advisory committees be currently in receipt of EPA grants, either as principal investigator or co-investigator, or in a position that otherwise would reap substantial direct benefit from an EPA grant. This principle would not apply to state, tribal or local government agency recipients of EPA grants. An accompanying memorandum issued by EPA Administrator Pruitt explains the directives to improve the independence and integrity of EPA’s FACs in ways that advance the Agency’s mission.

According to EPA calculations, in just the last three years, members of three of EPA’s 22 FACs – the Science Advisory Board (SAB), Clean Air Scientific Advisory Committee (CASAC) and the Board of Scientific Counselors (BOSC) – received upwards of \$77 million in direct EPA grant funding while concurrently serving on these committees.

Today, Administrator Pruitt also announced his plan to appoint new leadership and new members to SAB, CASAC and BOSC. In the spirit of cooperative federalism, Administrator Pruitt intends to appoint members that will significantly increase geographic diversity and state, tribal, and local government participation on the committees. A list of members will be posted in coming days.

The directive focuses on the importance of the following areas pertaining to EPA FACs:

1. ***Strengthen Member Independence:*** Members shall be independent from EPA, which shall include a requirement that no member of an EPA federal advisory committee be currently in receipt of EPA grants, either as principal investigator or co-investigator, or in a position that otherwise would reap substantial direct benefit from an EPA grant. This principle shall not apply to state, tribal or local government agency recipients of EPA grants.
2. ***Increase State, Tribal and Local Government Participation:*** In the spirit of cooperative federalism and recognition of the unique experience of state, tribal and local government officials, committee balance should reflect prominent participation from state, tribal and local governments. Such participation should be appropriate for the committee’s purpose and function.

3. **Enhance Geographic Diversity.** Given the range of environmental and public health considerations across the country, membership should be balanced with individuals from different states and EPA regions. Emphasis should be given to individuals from historically unrepresented or underrepresented states and regions.
4. **Promote Fresh Perspectives:** To encourage and promote the inclusion of new candidates with fresh perspectives and to avoid prolonged and continuous service, membership should be rotated regularly.

“Strengthening independence from EPA, increasing state, tribal and local government participation, and adding geographic diversity and fresh perspectives will improve the integrity of EPA’s scientific advisory committees,” **said EPA Administrator Pruitt.**

To read the full directive please visit [here](#).

To read the full memo please visit [here](#).

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Tue 11/7/2017 2:05:27 PM
Subject: Morning Consult Washington, Presented by PhRMA: Voters Head to Polls to Elect New Governors in Virginia, New Jersey

[REDACTED]

[REDACTED]

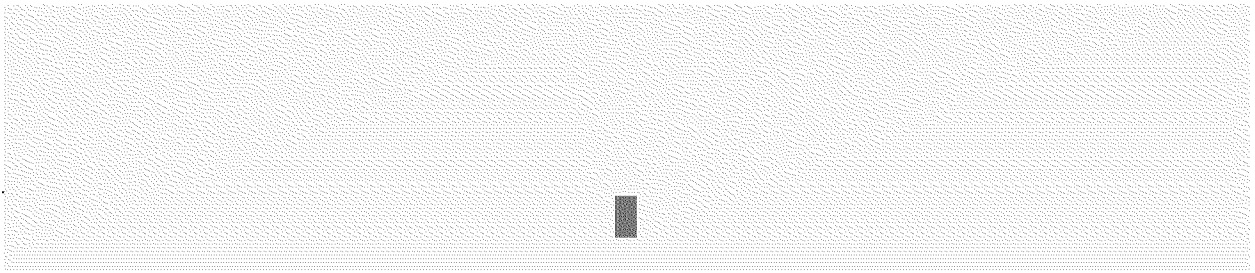
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 11/7/2017 1:46:59 PM
Subject: Syria to ratify the Paris agreement, leaving the U.S. alone

By Sara Stefanini

11/07/2017 08:45 AM EDT

BONN, Germany — Syria announced today it will join the Paris climate agreement, leaving the U.S. as the only country outside the international accord.

The Syrian delegation announced it would ratify the 197-party agreement during a plenary meeting on the second day of the U.N.'s two-week COP23 climate summit, hosted by Fiji in Germany.

The Syrian People's Assembly approved a draft law on Oct. 22 on ratifying the Paris agreement, according to the state-owned [Syrian Arab News Agency](#).

Syria and Nicaragua were the only two countries in the world outside the 2015 agreement when U.S. President Donald Trump announced his intention to withdraw in June.

Nicaragua, which argued the deal was not strong enough to tackle climate change, joined in October.

This article first appeared on [POLITICO.EU](#) on Nov. 7, 2017.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/11/syria-to-ratify-the-paris-agreement-leaving-the-us-alone-095286>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 11/2/2017 4:48:52 PM
Subject: EPA announces Clean Power Plan withdrawal meeting in West Virginia

By Emily Holden

11/02/2017 12:47 PM EDT

EPA will hold a public hearing about the decision to withdraw the Obama administration's Clean Power Plan in West Virginia on Nov. 28 and 29.

"The EPA is headed to the heart of coal country to hear from those most impacted by the CPP and get their comments on the proposed Repeal Rule. The agency looks forward to hearing from all interested stakeholders," EPA Administrator Scott Pruitt said in a statement.

EPA said it will convene two daylong sessions at the state capitol in Charleston, but did not explain its decision to only schedule meetings in the coal-reliant state, rather than collecting input from around the country, including from green states and businesses who disagree with the rollback. The agency said it "may also hold an additional hearing to be announced at a later date."

EPA also extended the comment period on the proposal to Jan. 16, 2018.

When the Obama administration proposed the power-sector climate standards in 2015, the agency had meetings in Pittsburgh, Denver, Atlanta and Washington, D.C.

West Virginia is the biggest coal producer east of the Mississippi River and also generates almost all of its power from the fuel. But the state's biggest utility is a subsidiary of AEP, which has been shifting away from coal and toward cheaper natural gas and renewable power for years.

"AEP has factored future carbon regulations into our evaluation of generation resource options for many years, and we continue to do so," spokeswoman Tammy Ridout told POLITICO last month.

WHAT'S NEXT: EPA said it may extend the West Virginia public hearing to a third day if necessary. Registration information will be posted on EPA's [website](#).

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/11/epa-announces-clean-power-plan-withdrawal-meeting-in-west-virginia-095108>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro
Sent: Thur 11/2/2017 3:46:36 PM
Subject: Scalise, Hensarling agree to flood insurance deal

By Zachary Warmbrodt

11/02/2017 11:44 AM EDT

House Majority Whip [Steve Scalise](#) (R-La.) and House Financial Services Chairman [Jeb Hensarling](#) (R-Texas) have reached a tentative agreement on legislation that would reauthorize the National Flood Insurance Program after months of clashing over the issue, people familiar with the matter said.

The full details were not immediately available as new bill text was being finalized, but the deal was expected to include concessions sought by Scalise easing the extent to which the committee's bill would penalize homes that repeatedly flood.

The bulk of a reauthorization package that the committee approved in June was expected to be part of the bill.

Hensarling previously agreed to drop proposals that would have phased out coverage for new construction in high-risk areas and restricted "grandfathering," in which some homeowners are able to pay lower premiums under the flood insurance program when flood maps change.

It was not immediately clear if other Republicans who had been pushing back on the committee's bill would support the agreement between Scalise and Hensarling.

WHAT'S NEXT: The flood insurance program is set to expire Dec. 8.

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<https://www.politicopro.com/energy/whiteboard/2017/11/scalise-hensarling-agree-to-flood-insurance-deal-095118>

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From: POLITICO Pro
Sent: Thur 11/2/2017 3:18:52 PM
Subject: Trump campaign aide Clovis withdraws from consideration for USDA job

By Josh Dawsey and Andrew Restuccia

11/02/2017 11:17 AM EDT

Former Trump campaign aide Sam Clovis has withdrawn from consideration to be USDA's chief scientist, according to a letter Clovis sent today to President Donald Trump.

Clovis has come under criticism recently for his lack of science credentials and for his role supervising George Papadopoulos, a Trump campaign foreign policy adviser who struck a plea deal on charges he lied to FBI investigators about his communications with Russia-linked contacts.

"The political climate inside Washington has made it impossible for me to receive balanced and fair consideration for this position," Clovis wrote. "The relentless assaults on you and your team seem to be a blood sport that only increases in intensity each day."

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/11/trump-campaign-aide-clovis-withdraws-from-consideration-for-usda-job-095115>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 11/2/2017 2:05:15 PM
Subject: EPA mulls phase-in for methane rule's requirements

By Alex Guillén

11/02/2017 10:02 AM EDT

EPA says it is considering longer phase-in periods for key requirements under the 2016 methane emissions rule for new oil and gas wells, rather than implementing an outright stay.

The new potential approach, for which EPA will take public comment for 30 days, means the agency likely will not take action until early 2018.

In a [Notice of Data Availability](#) signed on Wednesday, EPA said that the American Petroleum Institute suggested that instead of a stay, EPA could extend the existing deadlines to set up the necessary infrastructure, conduct monitoring surveys of leaks and take other actions to implement the rule. The NODA also proposes a similar phase-in process for the certification of closed vent systems by professional engineers.

The NODA further updates the economic analysis for the proposed stay to include foregone climate benefits from the increased emissions of methane and volatile organic compounds, which was not included in the original proposal in June. EPA also updated the analysis to cover a later time period due to the delay in finalizing the stay, now covering January 2018 through December 2019.

Click [here](#) for the NODA, the updated economic analysis and an agency fact sheet.

The D.C. Circuit Court of Appeals over the summer struck down Administrator Scott Pruitt's temporary stay of the rule, saying he had violated the Administrative Procedure Act by not taking public comment first. The rule has remained in effect since.

WHAT'S NEXT: EPA will take public comment for 30 days once the NODA is published in the Federal Register.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/11/epa-mulls-phase-in-for-methane-rules-requirements-095106>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 11/15/2017 5:33:09 PM
Subject: Senate Energy committee approves ANWR drilling bill

By Ben Lefebvre

11/15/2017 12:31 PM EDT

The Senate Energy and Natural Resources Committee today advanced a bill that would open up a section of Arctic Natural Wilderness Refuge to oil and gas drilling.

The 13-10 vote represented a major win for committee Chairman Sen. [Lisa Murkowski](#) (R-Alaska), who has advocated opening ANWR to drilling for years. West Virginia Sen. [Joe Manchin](#) was the only Democrat to cross over on an otherwise party-line vote.

The bill directs the Interior Department to offer two ANWR leases of at least 400,000 acres each within 10 years of the bill passing. It now goes to the Senate Budget Committee to be included in the wider budget reconciliation package.

Critics have charged that opening ANWR will damage a pristine environment, including an area important for porcupine caribou calving. They also contend that it won't come close to raising the \$1 billion over 10 years that Murkowski said it will.

Murkowski disputed those criticisms, saying that the land being offered up for drilling would only be a small sliver of the greater 19.3 million-acre refuge.

The committee added an amendment offered by Sen. [Bill Cassidy](#) (R-La.) that would increase the share of money coastal states receive as part of revenue sharing with the federal government and use some funding to rebuild Louisiana's coastal wetlands.

WHAT'S NEXT: The ANWR bill was drafted under budget reconciliation instructions, which would allow it to pass the Senate without overcoming a filibuster. Its fate is tied to the tax bill that Republicans also are planning to pass using reconciliation.

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<https://www.politicopro.com/energy/whiteboard/2017/11/senate-energy-committee-approves-anwr-drilling-bill-095690>

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From: Morning Consult
Sent: Mon 11/6/2017 1:56:38 PM
Subject: Morning Consult Washington, Presented by PhRMA: Trump Says Texas Shooting Is About Mental Health, Not Guns

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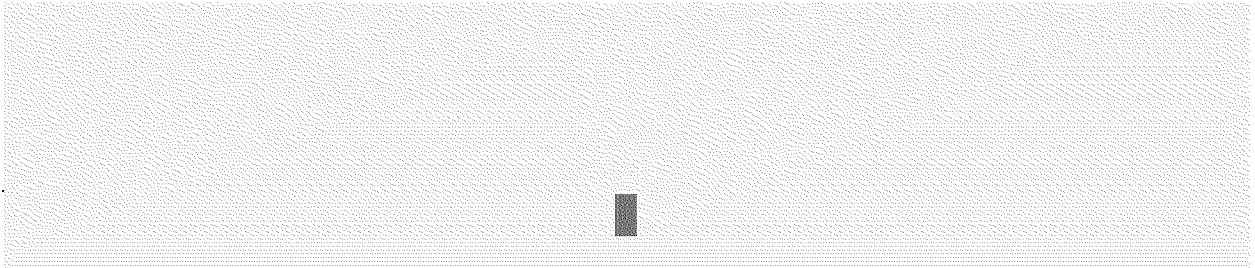
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Mon 9/4/2017 10:26:20 PM
Subject: HOUSTON AREA SUPERFUND SITES OPENED TO NEWS OUTLETS TODAY

CONTACT: press@epa.gov

**HOUSTON AREA SUPERFUND SITES OPENED TO NEWS OUTLETS TODAY;
TCEQ/EPA UPDATED LOCAL, NATIONAL LEADERS ON HEALTH,
ENVIRONMENTAL EFFECTS OF HARVEY**

DALLAS (September 4, 2017) – ABC, CBS, CNBC, CNN, & Bloomberg news crews joined TCEQ and EPA technical staff on site at Superfund sites around Houston today. The TV crews, following all health and safety requirements of site managers, shadowed the work of TCEQ and EPA technical experts on the ground at three Superfund sites: U.S. Oil Recovery, Highlands Acid Pits and the San Jacinto Waste Pits.

Crews were able to take videos, photographs and talk directly with technical staff and subject matter experts on the ground. Boats were on the water determining impacts at the temporary armored cap in the San Jacinto River, to provide access to the crews.

"The TCEQ is working closely with the EPA and local officials to assess the status of Superfund sites in the affected area. We will continue this as sites are safely accessible," said TCEQ Chairman Bryan Shaw.

"We are working directly with those responsible for the on-going cleanup of Superfund sites to ensure that we have the most up-to-date information about health and environmental risks to the community from the effects of hurricane Harvey, especially at Superfund sites affected by the storm," said EPA Region 6 Acting Regional Administrator Sam Coleman.

In addition to taking news crews on site today, EPA Acting Regional Administrator Sam Coleman and TCEQ Chairman Bryan Shaw provided an update of their joint efforts to assess the health and environmental impacts of Hurricane Harvey to a local, state and federal officials. The discussion with local officials included: Harris County Judge Ed Emmett, Executive Director of the Harris County Flood Control District (HCFCD) Russ Poppe, Harris County Engineer and Director of Public Infrastructure John Blount and Dr. Umair Shah from the Harris County Public Health Department.

National participants included: officials and experts from the Federal Emergency Management Agency (FEMA), the U.S. Army Corps of Engineers (USACE) and the United States Department of Housing and Urban Development (HUD). Together, they provided updates to and answered questions from U.S. Senator John Cornyn, U.S. House of Representative Majority Leader Kevin McCarthy, U.S. Congressman Randy Weber and other government officials at the Harris County Emergency Operations Center in Houston.

Additionally, Houston Mayor Sylvester Turner and the city's leaders were briefed by EPA and TCEQ senior leadership on multiple issues, including the status of the Superfund sites in and around the Houston area.

As of Sunday, September 3rd, EPA staff was imbedded in Mayor Turner's office to provide continued communication among local, state and federal officials. EPA and TCEQ remain in constant communication with Governor Abbott's office.

In addition, TCEQ and EPA toxicologists and technical experts are on the ground and in the air collecting real-time air monitoring and water quality data. That information is being analyzed by experts now and will be provided to the public as soon as it is available. We encourage the community to continue to follow the expert safety advice of local officials

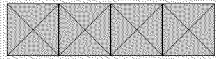
EPA Region 6 Acting Regional Administrator Sam Coleman updates the media on EPA response to Superfund sites affected by Hurricane Harvey

Briefing with local, state and national leaders in Houston

TCEQ Chairman Bryan Shaw meets with U.S. Senator John Cornyn at the Harris Co. Emergency Operations Center.

TCEQ Chairman Bryan Shaw and EPA Acting Regional Administrator for Region 6 Sam Coleman address the media at the San Jacinto Superfund site.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Sun 9/3/2017 3:43:25 PM
Subject: STATUS OF WATER SYSTEMS IN AREAS AFFECTED BY HARVEY

CONTACT: press@epa.gov

STATUS OF WATER SYSTEMS IN AREAS AFFECTED BY HARVEY

WASHINGTON (September 3, 2017) – Working together, the U.S. Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ) continue to coordinate with local, state and federal officials to address the human health and environmental impacts of Hurricane Harvey and its aftermath, especially the water systems in the affected areas. As of Saturday, September 2nd, 2017, the following information is available:

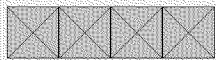
- **Drinking Water:** Half (2300) of the 4500 drinking water systems potentially affected by Harvey have been contacted. Of those: 1514 systems are fully operational, 166 have boil-water notices, and 50 are shut down. The agencies are contacting remaining systems to gather updated information of their status. Assistance Teams are in the field working directly with system operators to expedite bringing systems back to operational status. Additional drinking water assessments should be up and running within the next day.
- **Waste Water and Sewage:** Currently, 1656 of approximately 2469 wastewater treatment plants are fully operational in the affected counties. The agencies are aware that releases of wastewater from sanitary sewers that is occurring, due to the historic flooding and are actively working to monitor facilities that have reported spills, conduct outreach and provide technical guidance to all other wastewater facilities in flood-impacted areas. EPA and TCEQ are working closely with the U.S. Coast Guard, the Texas Military Department, and other local and state agencies to continuously monitor wastewater systems. Houston's unified command will be up and running shortly to support water testing. Assistance Teams will be deployed to work directly with system operators to expedite bringing systems back to operational status.
- **Residential Wells:** EPA is developing a plan for sampling residential wells, and is coordinating with TCEQ to establish several locations where residents can bring water samples from their wells to be tested.
- **Flood Water:** Water quality sampling will be focused on industrial facilities and hazardous waste sites. Floodwaters contain many hazards, including bacteria and other contaminants. Precautions should be taken by anyone involved in cleanup activities or any others who may be exposed to flood waters. These precautions include heeding all warnings from local and state authorities regarding safety advisories. In addition to the drowning hazards of wading, swimming, or driving in swift floodwaters, these waters can carry large objects that are not always readily visible that can cause injuries to those in the water. Other potential hazards include downed power lines and possible injuries inflicted by animals displaced by the floodwaters.

Additional EPA/TCEQ updates include:

- **Superfund Sites:** EPA and TCEQ continue to get updates about the status of specific sites from the parties responsible for ongoing cleanup of the sites. The most recent information can be found [here](#).
- **Air Quality Monitoring:** One of the many preparations for Hurricane Harvey included EPA, TCEQ, and other monitoring entities temporarily removing approximately 75 percent of the stationary air monitoring equipment from the greater Houston, Corpus Christi, and Beaumont areas. Since then, state and local authorities are working to get the systems up and running again. As of Saturday, September 2, over 70 percent of the monitors are up and working again; and authorities expect that the network will be fully operational again by next week. Of the available air monitoring data collected from August 24-September 2, 2017, all measured concentrations were well below levels of health concern. Monitors are showing that air quality at this time is not concerning and local residents should not be concerned about air quality issues related to the effects of the storm.
- **Fires at Arkema Facility in Crosby, Texas:** EPA and TCEQ are coordinating closely with Harris County Officials along with the U.S. Department of Homeland Security, and other local public safety officials. As a result of initial chemical fires while the facility was flooded, EPA has collected downstream surface water runoff samples at four locations outside the evacuation zone, near residential areas. EPA and TCEQ will maintain a 24 hour watch and maintain a 24-hour presence at the incident command operations center near this facility, to support local emergency personnel on the ground. The 1.5 mile radius evacuation zone remains in effect until local emergency response authorities announce it is safe.
- **Refineries/Fuel Waivers:** In addition to waivers for 38 states and D.C., EPA signed four No Action Assurance (NAA) letters on September 1, to help address fuel shortages. NAA will help expedite the distribution of existing gasoline supplies to both Texas and Louisiana, while the refineries work to re-start and resume normal operations. Each is effective until September 15, 2017, and should allow for the distribution in Texas of 10 million or more gallons of gasoline to consumers.

For additional information from TCEQ, please visit: <https://www.tceq.texas.gov/response/hurricanes>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 8/31/2017 2:44:55 PM
Subject: EPA enforcement pick moves to agency ahead of confirmation

By Alex Guillén

08/31/2017 10:42 AM EDT

Susan Bodine, President Donald Trump's pick to run EPA's enforcement office, will begin at the agency on Tuesday as an adviser to Administrator Scott Pruitt.

The Senate has yet to confirm Bodine to the post of assistant administrator for enforcement and compliance. But in a staff [email](#) released by the watchdog group Public Employees for Environmental Responsibility, EPA chief of staff Ryan Jackson writes that Bodine will serve as a "special counsel to the administrator on compliance."

Jackson added that Lawrence Starfield, a career official, "remains the acting assistant administrator for enforcement and will work closely with Susan in her new role until the U.S. Senate confirms her." EPA did not immediately return a request for comment.

Bodine since 2015 has been chief counsel on the Senate Environment and Public Works Committee. She previously was in private practice, and served as the Senate-confirmed head of what is now EPA's Office of Land and Emergency Management under George W. Bush. Although Sen. [Tom Carper](#), the top EPW Democrat, has praised Bodine personally, panel Democrats voted [against](#) her confirmation in July over a dispute with EPA about responding to letters from Democrats.

PEER blasted Bodine's hiring as an attempt to bypass Senate confirmation.

"Advice and consent of the Senate is not some formality or courtesy, it is a constitutional requirement," said Executive Director Jeff Ruch.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/08/epa-enforcement-pick-moves-to-agency-ahead-of-confirmation-092326>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Wed 8/30/2017 10:26:04 PM
Subject: Administrator Pruitt Meets With Hurricane Harvey Responders and Officials in Texas

Contact Information: press@epa.gov

Administrator Pruitt Meets With Hurricane Harvey Responders and Officials in Texas

Corpus Christi, Texas (August 30, 2017)— U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt traveled to Corpus Christi today to assess EPA relief efforts and thank responders. Administrator Pruitt also met with local and state leaders to discuss continued relief measures in the aftermath of Hurricane Harvey.

"The devastation endured by Texas this week is unfathomable. As I saw firsthand today, the Lone Star State has shown commendable perseverance in helping their fellow neighbors through this crisis," **said Administrator Pruitt.** "EPA is committed to working with our federal, state, and local partners to provide relief to the affected regions."

EPA has an organized emergency response program and is positioned to support FEMA, state, local and tribal partners. EPA Headquarters' Emergency Operations Center (EOC) has been activated and Administrator Pruitt is in regular contact with EPA staff across the Agency who are part of the hurricane response effort. Helping manage response efforts and focusing on the safety of those affected are the Agency's highest priorities.

EPA supports hurricane preparedness and response in a number of ways, including:

- **Addressing Fuel Shortages:** The Clear Air Act allows EPA Administrator Pruitt, in consultation with Energy Secretary Perry, to waive certain fuel requirements to address shortages that occur as a result of the storm. If Administrator Pruitt determines that extreme and unusual fuel supply circumstances exist in a state or region as a result of the hurricane, a temporary waiver can help ensure an adequate supply of gasoline is available in the affected area, particularly for emergency vehicles. EPA has an experienced team standing by to expedite handling of fuel waiver requests by the states.
- **Monitoring Public Water Systems:** Water systems can be severely impacted during hurricanes due to storm surge, flooding, or loss of power. EPA Region 6 has developed a tracking system for us to identify systems in the storm's pathway. Over 4,000 public drinking water systems have been potentially impacted by hurricane Harvey and flooding in Texas. Both Texas Commission on Environmental Quality (TCEQ) and Louisiana Department of Hospitals have uploaded their potentially impacted systems into Response Manager, which enables planning for rapid assessments to restore water systems after the flood waters recede. EPA and TCEQ are conducting damage assessments of both drinking water and wastewater systems to identify impacts to critical assets and assist in the recovery.
- **Securing Superfund Sites:** EPA assesses conditions at the NPL Superfund sites in the storm's impact area and tasks each Superfund National Priorities List (NPL) remedial site manager to assess conditions and make on-site preparations for high winds and heavy rainfall.

Any on-site activities at sites located in the storm's path are ceased until the all clear is given and on-site equipment is secured. In addition, freeboard for lagoons or ponds is increased to accommodate forecasted rainfall if possible. Today, EPA began rapid assessments at two sites that are accessible after floodwaters have receded and this work will continue.

- **Assessing Conditions at Major Industrial Facilities:** EPA assesses conditions at the major industrial facilities in the affected area to identify potential impacts and countermeasures. Following the storm and receding floodwaters, spills and releases are reported to the National Response Center. NRC notifies U.S. Coast Guard or EPA based on preapproved jurisdiction boundaries. EPA conducts follow up inspections and damage assessments in response to reports within EPA jurisdiction.

Photos from Administrator Pruitt's visit to Corpus Christi today:

EPA Administrator Scott Pruitt meets with officials from Corpus Christi and neighboring towns to discuss Hurricane Harvey recovery efforts.

EPA Administrator Scott Pruitt visits with cleanup staff at a debris action station in Corpus Christi.

EPA Administrator Scott Pruitt is debriefed on recovery efforts at the Port of Corpus Christi Emergency Operations Center.

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Washington, D.C. 20004

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 8/30/2017 8:16:04 PM
Subject: EPA issues waiver for higher ethanol blends to fight Harvey shortages

By Eric Wolff

08/30/2017 04:13 PM EDT

EPA issued a waiver today to allow the sale of gasoline with 15 percent ethanol in 12 states and the District of Columbia, effectively ending the summer restriction on sales of the fuel because of Hurricane Harvey.

EPA Administrator Scott Pruitt says in the [waiver letter](#) the refinery closures and the disruption of the Colonial Pipeline have created fuel shortfalls, and the waiver will help ease that pressure. Retailers in some states can't sell fuel blends above E10 in the summer to avoid violating the Clean Air Act, but the law gives the administrator authority to waive those requirements in emergencies. In practical terms, the waiver allows retailers in these states to sell winter formulated gasoline early, as well as higher blends of ethanol.

"These shortages can be reduced by waiving the requirement to sell low-volatility summer [conventional gasoline]," Pruitt said in the waiver letter.

About 20 percent of the country's refining capacity is offline after Harvey battered the Gulf Coast region. Gasoline prices at the pump were up six cents a gallon today from a week ago, according to AAA.

The Renewable Fuels Association [asked](#) EPA on Monday to allow the waiver.

"Consumers facing likely gasoline supply issues as a result of Hurricane Harvey are one important step closer today to a high octane, lost cost alternative," RFA CEO Bob Dinneen said in a statement.

The waiver applies to Alabama, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and the District of Columbia.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/08/epa-issues-waiver-for-higher-ethanol-blends-to-fight-harvey-shortages-092293>

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Arlington, VA, 22209, USA

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 8/30/2017 6:45:56 PM
Subject: Markey urges Trump to tap SPR as Harvey boosts gasoline prices

By Ben Lefebvre

08/30/2017 02:42 PM EDT

Sen. [Ed Markey](#) (D-Mass.) today called on President Donald Trump to tap the Strategic Petroleum Reserve to help prevent gasoline prices from surging in the wake of Tropical Storm Harvey.

"An immediate release of gasoline or crude oil, if also warranted, from the SPR would help protect consumers from price spikes at the pump and tame any market speculation that could be unduly affecting markets and harming consumers," Markey wrote in a [letter](#) to Trump urging him to tap into the roughly 680 million barrels of crude the Department of Energy keeps in storage in case of supply disruptions.

About 20 percent of the country's refining capacity is offline after Harvey battered the Gulf Coast region, the heart of the nation's oil industry. Valero Energy is now trying to restart two of its refineries in the Corpus Christi region, where Harvey first made landfall late Friday.

Gasoline prices at the pump were up six cents a gallon on Wednesday from a week ago, according to AAA. The price jump is likely to continue, as wholesale gasoline prices on Wednesday have climbed by a dime since Friday, before Harvey made landfall.

DOE had denied one refiner's request for crude oil from one of its Texas SPR sites earlier this week, saying it had evacuated staff from the site because of flooding. The reserve sites are now all operational, according to the DOE.

WHAT'S NEXT: Refiners will assess the damage to their sites in the coming weeks.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/08/markey-urges-trump-to-tap-spr-as-harvey-boosts-gasoline-prices-092278>

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Arlington, VA, 22209, USA

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Tue 8/29/2017 9:40:33 PM
Subject: ICYMI: Administrator Scott Pruitt Discusses EPA Response to Hurricane Harvey

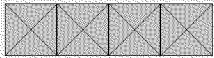
IN CASE YOU MISSED IT ...

Administrator Scott Pruitt Discusses EPA Response to Hurricane Harvey

WASHINGTON - Earlier today, Administrator Scott Pruitt called into The Chad Hasty Show on KFYO in Lubbock, Texas to discuss EPA's response to Hurricane Harvey in affected areas.

[Click Here To Listen To Scott Pruitt On The Chad Hasty Show](#)

[Visit The EPA's Newsroom](#)



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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Thur 9/7/2017 4:28:16 PM
Subject: EPA Approves Emergency Fuel Waivers for 38 States and Washington, D.C.

CONTACT: press@epa.gov

EPA Approves Emergency Fuel Waivers for 38 States and Washington, D.C.

WASHINGTON (September 7, 2017) – EPA Approves Emergency Fuel Waivers for 38 States and Washington, D.C.

As a result of the continuing impacts on Gulf Coast-area refineries and disruption to the fuel distribution system caused by Hurricane Harvey and the effects of large-scale evacuations in response to Hurricane Irma, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt today exercised EPA's emergency fuel waiver authority to help ensure an adequate supply of fuel throughout the country.

EPA has waived requirements for reformulated gasoline through September 26 and low volatility conventional gasoline through September 15 in the following states and the District of Columbia: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, Maryland, New Jersey, New York, Pennsylvania, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Texas, and the District of Columbia. Today's waiver supersedes the waiver issued on August 31.

Today's waiver also waives requirements for low volatility gasoline in El Paso County, Texas through September 16 and to a number of counties in Eastern Texas through September 26.

The waiver authority was exercised under the Clean Air Act and was granted by EPA Administrator Pruitt, in coordination with the U.S. Secretary of Energy Rick Perry.

As required by law, EPA and the Department of Energy (DOE) evaluated the situation and determined that granting a short-term waiver was consistent with the public interest. EPA and DOE are continuing to actively monitor the fuel supply situation as a result of Hurricane Harvey and Hurricane Irma, and will act expeditiously if extreme and unusual supply circumstances exist in other areas.

The sale of gasoline containing up to 15 percent ethanol (E15) must continue to comply with federal rules, which are designed to minimize the potential for E15 being used in vehicles that are not designed to use this fuel.

To mitigate any impacts on air quality, the Clean Air Act provides strict criteria for when fuels waivers may be granted, and requires that waivers be limited as much as possible in terms of their geographic scope and duration.

More information: www.epa.gov/enforcement/fuel-waivers

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Thur 9/7/2017 1:01:14 AM
Subject: EPA Securing Florida Superfund Sites Prior to Hurricane Irma

CONTACT: press@epa.gov

EPA Securing Florida Superfund Sites Prior to Hurricane Irma

WASHINGTON (September 6, 2017) – U.S. EPA, along with federal, state and local partners, is carefully monitoring Hurricane Irma and evaluating the storm's potential threat to Superfund sites in South Florida.

EPA's Region 4 office in Atlanta is contacting approximately 22 current or former National Priorities List (NPL) sites within Florida's southernmost 100 miles. EPA is contacting the sites to ensure that they are secure, and that no contaminants migrate offsite.

EPA will continue monitoring Superfund sites throughout the state and region as the storm's path evolves, and will provide updates as new information becomes available.

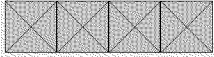
EPA is taking the following steps to evaluate and secure Superfund sites prior to Hurricane Irma making landfall:

- Technical staff in the Region 4 office are currently reviewing the South Florida sites to evaluate any vulnerabilities at each site. Every Superfund site is complex and unique, so the vulnerability of each site varies.
- If any site in the path of the storm is found to pose an immediate threat to nearby populations, EPA will immediately alert local officials.
- If activity is on-going at the site, EPA will instruct the on-site contractor to secure the site immediately. This includes evacuating personnel, ceasing all activity, and securing equipment and other potentially harmful materials.
- If no activity is currently occurring at the site, the site is considered secured but remains closely monitored.
- As part of this review, sites are also prioritized by vulnerability for on-site evaluation once the storm has passed.
- After the storm passes, floodwaters recede, and it is deemed safe to enter a site, EPA remedial managers and contractors conduct rapid assessments of sites based on priority to identify any damage and initiate cleanup plans if necessary.
- Unauthorized entry at any Superfund site, either prior to or following the storm, is prohibited as these sites can be extremely dangerous and can pose significant threats to human health.

These steps are consistent with how EPA has historically prepared Superfund sites for natural

disasters, such as hurricanes. To learn more about EPA's Hurricane Irma preparation and response activities, visit www.epa.gov/hurricane-irma.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Wed 9/6/2017 10:47:26 PM
Subject: EPA/TCEQ HARVEY UPDATE: AIR QUALITY IMPROVING, MORE WATER SYSTEMS OPERATIONAL

CONTACT: press@epa.gov

EPA/TCEQ HARVEY UPDATE: AIR QUALITY IMPROVING, MORE WATER SYSTEMS OPERATIONAL

Dallas (September 6, 2017) - Working together, the U.S. Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ) continue to coordinate with local, state and federal officials to address the human health and environmental impacts of Hurricane Harvey and its aftermath, especially the water systems in the affected areas. TCEQ has 500 people assisting in response to this natural disaster and EPA has 185.

EPA has begun mobilizing Community Liaisons to the designated disaster counties for Hurricane Harvey. The liaisons will assist the county emergency operation centers in disseminating pertinent information on post flood hazards to municipalities, school districts, and citizens. EPA has now been deployed to the FEMA JFO Joint Information Center in Austin and additional EPA response personnel are being assigned to Beaumont/Port Arthur. This area was previously inaccessible due to lack of facilities. EPA has begun coordination with environmental justice advocates from Texas and Louisiana to provide an update on the impacted areas. EPA has been closely coordinating with the U.S. Coast Guard on a large oil spill in the Houston area, and with city and county officials on a benzene plume identified near the Manchester neighborhood.

As of Sunday, Sept. 3, the following information is available:

Drinking Water: To date, about 2,800 drinking water systems are potentially affected by Harvey have been contacted. Of those: 1,920 systems are fully operational, 168 have boil-water notices, and 50 are shut down. Both EPA and the TCEQ are contacting remaining systems to gather updated information of their status. EPA and the TCEQ are working closely with the Texas National Guard, including the 6th Civil Support Team (supporting TCEQ in Corpus Christi), Arkansas National Guard, 61st Civil Support Team (supporting TCEQ in Houston), and the Texas State Guard Engineering Group, and other local and state agencies to continuously monitor water systems. Assistance teams are in the field working directly with system operators to expedite getting systems back to operational status.

Waste Water and Sewage: Currently, 903 of approximately 1,219 wastewater treatment plants are fully operational and 34 are inoperable in the affected counties. The agencies are aware that releases of wastewater from sanitary sewers are occurring, due to the historic flooding and are actively working to monitor facilities that have reported spills, conduct outreach and provide technical guidance to all other wastewater facilities in flood-impacted areas. EPA and TCEQ are working closely with the Texas National Guard, including the 6th Civil Support Team (supporting TCEQ in Corpus Christi), Arkansas National Guard, 61st Civil Support Team (supporting TCEQ in Houston), and the Texas State Guard Engineering Group, and other local and state agencies to continuously monitor wastewater systems. Assistance teams will be deployed to work directly with system operators to expedite getting systems back to operational status.

Flood Water: Water quality sampling will be focused on industrial facilities and hazardous waste sites. Floodwaters contain many hazards, including bacteria and other contaminants. Precautions should be taken by anyone involved in cleanup activities or any others who may be exposed to flood waters. These precautions include heeding all warnings from local and state authorities regarding safety advisories. In addition to the drowning hazards of wading, swimming, or driving in swift floodwaters, these waters can carry large objects that are not always readily visible that can cause injuries to those in the water. Other potential hazards include downed power lines and possible injuries inflicted by animals displaced by the floodwaters.

Critical Water Infrastructure: The agencies are continuing to work closely with dams. The larger dams are full in many cases and may be releasing water; the structures are secure at this time. There are 340 high- and significant-hazard dams in the impacted areas, and TCEQ has been able to make contact with 200 of these dam owners. Of these 200, only five dams have been damaged or have failed. We have also been notified that three low-hazard dams have damage. TCEQ is continuing to contact dams to get status updates.

Additional EPA/TCEQ updates include:

Superfund Sites: EPA and TCEQ continue to get updates about the status of specific sites from the parties responsible for ongoing cleanup of the sites. So far, TCEQ staff have assessed 12 of the 17 State Superfund sites in the affected areas. TCEQ anticipates completing the remaining 5 assessments by the end of the week depending on accessibility of those remaining sites.

EPA completed site assessments at 13 Superfund sites that have been flooded and/or experience possible damage to the storm. Of these sites, two (San Jacinto and U.S. Oil Recovery) require additional assessment efforts. Assessments of these sites will take several days to complete. The San Jacinto Waste Pits site has a temporary armored cap designed to prevent migration of hazardous material; some areas that rock been displaced and liner is exposed. The potential responsible party has mobilized heavy equipment and is placing rock on different places on the armored cap to repair the defensive surface. The liner is in place and functional so we don't have any indication that the underlying waste materials have been exposed. If we find a breach in the exposed liner, we direct the responsible party to collect samples to determine if any materials have been released. Crews continue to surveying portions of the cap that are submerged and the EPA dive teams will survey the cap underwater when conditions allow. EPA is making plans for longer-term assessments at 41 Superfund sites in the impacted areas as the projects return to their normal remedial cleanups.

Air Quality Monitoring: One of the many preparations for Hurricane Harvey included EPA, TCEQ, and other monitoring entities temporarily shutting down several air monitoring stations from the greater Houston, Corpus Christi, and Beaumont areas. Since then, state and local authorities have been working to get the systems up and running again. As of Tuesday September 5, TCEQ air monitoring network is 100 percent operational in Corpus Christi, 88 percent in Houston, and 71 percent in Beaumont. The network is expected to be fully operational again by next week. Of the available air monitoring data collected from Aug. 24-Sept. 2, all measured concentrations were well below levels of health concern. Monitors are showing that air quality at this time is not concerning, and residents should not be concerned about air quality issues related to the effects of the storm.

An assessment by EPA of the Valero Refinery on Monday, September 5, 2017, confirmed that a tank at the facility did have a leak which occurred on August 26, 2017 from the Hurricane Harvey storm and flooding. EPA also confirmed Valero had taken action to respond to and repair the leak.

Based on current site conditions including weather, repair actions by Valero, and air monitoring results, EPA's assessment could not confirm the tank was the source of the air release that led to complaints in the area immediately after the storm. EPA's air monitoring performed onsite and around the facility on September 5 does not indicate levels of concern for the community. EPA will continue air monitoring for additional sources in the area.

Fires at Arkema Facility in Crosby: The TCEQ has an open investigation into the Arkema incident that will include an evaluation of any impacts due to the fires at the site. Additionally, after the final notifications are received, the TCEQ will evaluate the reported emissions events to determine compliance with applicable rules, permit provisions, and notification and reporting requirements. The TCEQ and Harris County Pollution Control are coordinating post-event monitoring, sampling, and complaint response activities. The U.S. Chemical Safety Board has initiated an investigation, and law enforcement continues to limit access to the Arkema plant in Crosby. For more information regarding Arkema, please visit <https://www.tceq.texas.gov/news/statement/statement-on-arkema-investigation>

Refineries/Fuel Waivers: In addition to gasoline waivers for 38 states and D.C. and diesel waivers for Texas, EPA signed three No Action Assurance letters on Sept. 1 to help address fuel shortages. NAA will help expedite the distribution of existing gasoline supplies to both Texas and Louisiana, while the refineries work to re-start and resume normal operations. The waivers and NAA letters are effective until Sept. 15 and should allow for the distribution in Texas of 10 million or more gallons of fuel to consumers. TCEQ is working with EPA to consider an extension to the gasoline waivers through October 1st.

For additional information please visit the TCEQ's hurricane response page.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Wed 9/6/2017 10:40:56 PM
Subject: EPA Approves Emergency Fuel Waiver for Florida

CONTACT: press@epa.gov

EPA Approves Emergency Fuel Waiver for Florida

WASHINGTON (September 6, 2017) – In response to Hurricane Harvey and Hurricane Irma, Environmental Protection Agency (EPA) Administrator Scott Pruitt has approved an emergency fuel waiver request from the Florida Department of Environmental Protection.

EPA has waived the highway diesel fuel red dye requirements to allow the use of 15 parts per million sulfur non-road diesel fuel for on-highway vehicles in Florida as a result of Hurricane Harvey and Hurricane Irma, through September 22.

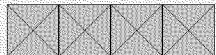
The waiver authority was exercised under the Clean Air Act and was granted by EPA Administrator Pruitt, in coordination with the U.S. Secretary of Energy Rick Perry. The request was made by Jeffery F. Koerner, Director of the Florida DEP Air Resource Management Division, on behalf of Florida Governor Rick Scott.

As required by law, EPA and the Department of Energy (DOE) evaluated the situation and determined that granting a short-term waiver was consistent with the public interest. EPA and DOE are continuing to actively monitor the fuel supply situation as a result of Hurricane Harvey and Hurricane Irma, and will act expeditiously if extreme and unusual supply circumstances exist in other areas.

To mitigate any impacts on air quality, the Clean Air Act provides strict criteria for when fuels waivers may be granted, and requires that waivers be limited as much as possible in terms of their geographic scope and duration.

More information: www.epa.gov/enforcement/fuel-waivers

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 9/6/2017 4:05:03 PM
Subject: EPA gets short Harvey-related delay on Texas haze deadline

By Alex Guillén

09/06/2017 12:01 PM EDT

EPA and environmental groups have reached a deal to give the agency an extra three weeks in the wake of Hurricane Harvey to take action on Texas haze.

A federal judge last week rejected EPA's request for a longer-term delay of the deadline, saying EPA was supposed to have acted in 2007 and that further delay was untenable.

But in a filing today, EPA and environmental groups that sued to force the action said they have reached a deal to push the deadline from Sept. 9 to Sept. 30. The consent agreement allows for a delay of up to 60 days if both EPA and the environmental groups agree.

Key EPA staff who would work on the Texas haze issue "are involved in dealing with environmental issues of immediate, near-term concern that have arisen as a consequence of Hurricane Harvey," the filing said.

"EPA reserves the right to seek further extensions," the filing added.

WHAT'S NEXT: The deadline is expected to require EPA to issue a federal plan to curb emissions from coal plants and other sources that contribute to haze. Texas has not filed a state implementation plan after years of dispute with the Obama administration over stringency.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/09/epa-gets-short-harvey-related-delay-on-texas-haze-deadline-092514>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy
Sent: Fri 8/25/2017 9:44:12 AM
Subject: Morning Energy: Texas braces for fearsome Hurricane Harvey — Report: Three monuments targeted by Zinke — Four parts of DOE's grid study with legs

By Anthony Adragna | 08/25/2017 05:41 AM EDT

With help from Annie Snider and Ben Lefebvre

HARVEY MESSES WITH TEXAS: Hurricane Harvey is closing in on the Texas coast, with the bullseye painted right on Corpus Christi. The storm will be the first to hit the Texas coast since the Category 4 Hurricane Ike slammed into Houston in September 2008. Harvey looks likely to reach at least Category 3 by the time it makes landfall early Saturday, according to forecasts. It has already caused BP, Exxon Mobil, Anadarko and other oil companies to evacuate their deepwater rigs. BSEE estimated the shutdowns took 10 percent of the Gulf of Mexico's oil production offline as of mid-day on Thursday, and that number is only likely to be higher when the agency's next bulletin comes out later today. Harvey will also throw a wrench into U.S. oil exports, much of which leaves the country via Corpus.

Harvey could prove to be the first big test of FEMA's new head, Brock Long, who won Senate confirmation in June. FEMA set up an Incident Support Base at near Seguin, Texas, complete with supplies, a spokeswoman said, but so far there have been no requests for support.

Bolstering the case for the Ike Dike? The petrochemical and refining operations around Galveston and the Houston Ship Channel aren't expected to be at the epicenter of this storm, as of Thursday's forecast, but emergency planners there have been worrying ever since Hurricane Ike inflicted \$29.5 billion in damages and killed 74 people in 2008. Texas politicians and business leaders have been pushing the idea of a massive seawall to protect Galveston and Houston, and in April asked President Donald Trump for \$15 billion for the project. Hurricane Harvey could help them continue to make the case as they fight for federal funding. But environmental groups are wary of the effort, dubbed the "Ike Dike," arguing it could hugely alter the salinity patterns and block key fish species in Galveston Bay, where millions of dollars, including money related to the 2010 Deepwater Horizon oil spill, have been spent on environmental restoration.

What about New Orleans? A dozen years after Hurricane Katrina ravaged the city, the Big Easy may not be prepared to handle heavy rains this time around with three of five turbines that power drainage pumps for the low-lying city not working, the New Orleans Advocate reports. In addition, 15 of the city's 120 water pumps are offline as the city braces for between five and 10 inches of rain.

Reupping: How bad can it get for Houston? This bad.

TGIF EVERYBODY! I'm your host Anthony Adragna, and Parametrix's Dwight Miller correctly identified Tonga as the country that once issued banana-shaped stamps. For today: Who is the oldest still-living former U.S. governor? Send your tips, energy gossip and comments

to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

PROGRAMMING NOTE: [Morning Energy](#) will not publish from Aug. 28-Sept. 4. Our next [Morning Energy](#) newsletter will publish on Sept. 5. Please continue to follow Pro Energy issues [here](#).

REPORT: THREE MONUMENTS IN BULLS EYE: Interior Secretary Ryan Zinke didn't make public his report on what to do with 22 national monuments under review, but his recommendations call for shrinking three of the most controversial sites — Bears Ears and Grand Staircase-Escalante monuments in Utah and Cascade-Siskiyou in Oregon, the Washington Post [reports](#), citing "multiple individuals briefed on the decision." Remember a final decision to reduce the size of any of the national monuments will be almost immediately challenged by environmental and conservation groups, as well as sympathetic attorneys general.

Groups slammed the decision by the Interior Department not to release the draft report, and the complaints grew louder throughout the day Thursday. "This summary is not transparent and this is not how our government should do business," Sen. [Tom Udall](#) (D-N.M.) said in a statement. "The American people have the right to see his entire report. A proposal to strip protections from public lands should be made public immediately," Sen. [Dianne Feinstein](#) (D-Calif.) added in her own statement. The Center for Biological Diversity announced it had already filed [a FOIA request](#) for the document.

One monument spared: A source briefed on Zinke's decision told the [Bangor Daily News](#) the draft recommends keeping the Katahdin Woods and Waters National Monument intact while making "some changes on allowable uses." That goes against the wishes of bombastic Maine Gov. Paul LePage, who urged Congress and the Trump administration to [undo the designation](#).

READY, STEADY, CAN DOE GO? It's unclear whether any of the recommendations from Energy Secretary's Rick Perry much-anticipated grid study have legs, but that answer may depend on how much weight the administration throws behind them, Pro's Darius Dixon [reports](#). "If these recommendations, as a suite, are something that the administration really wants to do, someone in the White House is going to have to quarterback that," said Greg Gershuny, who served as chief of staff in DOE's Energy Policy and Systems Analysis office during the Obama administration. "How engaged Perry is and how many times a week he's going to the Hill and talking to other agency heads is going to tell us a lot about how serious they are about this."

Four issues Darius suggests watching: Efforts to have FERC "expedite" its work to reformulate how electricity markets pay power generators; research and development dollars toward grid reliability, which the Trump administration's first budget suggested cutting deeply; a push to speed and reduce the cost of "licensing, relicensing, and permitting of grid infrastructure" and calls for EPA to revisit its New Source Review permitting program that requires power plants to tighten emissions controls when they upgrade. **A caution:** Several of those issues have proven to be thorny matters for agencies to address over several administrations.

API SOUNDS WARNING ON NAFTA: In an [op-ed](#) published Thursday, the American Petroleum Institute's Jack Gerard urged the Trump administration not to tinker with key energy trade provisions as it worked to negotiate NAFTA. "By maintaining successful provisions on zero tariffs, market access, trade liberalization and strong investment protection, the Trump administration can modernize NAFTA without jeopardizing energy trade flows," he wrote. Among the most-watched provisions, Gerard voiced strong support for preserving the investor-state dispute settlement provision, which he said is "a neutral arbitration system for enforcing these protections, safeguarding American investments."

ACCESS DENIED: EPA leadership has adopted a new social media policy that will see employees barred from accessing many popular sites, according to an email from the agency's human resources office obtained by ME. "Due to recent events in the news we are going to start blocking many of the popular social media sites for employees who do not need them for justified, business purposes," it says. Employees must now complete a mandatory survey on their behavior before a default block takes effect.

MORE GROUPS OPPOSE CLOVIS: Dozens of environmental and food groups are out this morning with a [letter](#) urging senators to oppose Sam Clovis' nomination to be USDA's chief scientist. "Without competent, science-based leadership, the USDA will be unable to protect our environment and help thousands of farmers and their communities adapt to these worsening burdens," the letter, led by Friends of the Earth and the Health, Environment, Agriculture, Labor Food Alliance, says. The groups argue the nomination of Clovis, who lacks any formal scientific training, also violates the law.

REPORT: DEMOCRAT BACKS BLM MOVE WEST: Sen. [Michael Bennet](#) became the latest Colorado politician to back moving three federal agencies — the Bureau of Land Management, the Bureau of Reclamation and the U.S. Fish and Wildlife Service — to the Denver area, according to a report in [Western Wire](#), a project of the Western Energy Alliance. "I think anything we can get out of Washington, D.C. and into Colorado, I'm for," the Democrat said. Republican Sen. [Cory Gardner](#) and Gov. John Hickenlooper are among the other proponents of the move west.

WHAT A MESS! Even as he takes pot shots at congressional leadership, President Donald Trump is trying to set up a meeting with Senate Majority Leader [Mitch McConnell](#), House Speaker [Paul Ryan](#), Minority Leader [Chuck Schumer](#) and House Minority Leader [Nancy Pelosi](#) in the near future to stave off a federal default and a government shutdown, POLITICO's Kyle Cheney and Seung Min Kim [report](#). Ryan predicted Thursday that Congress would pass a debt ceiling increase and said there are "a lot of options" about how to structure the legislation. He also said a short-term government funding bill would likely be needed to keep the lights on through December, though there's no guarantee Trump would sign that if it doesn't include border wall funding.

ZINKE'S STILL ON THE MOVE: He may be facing heat over his private national monument report, but Zinke travels to the Great Smoky Mountains National Park and the Blue Ridge Parkway today to commemorate the 101st anniversary of the founding of the National Park Service.

ME's off next week, but Energy Secretary Rick Perry travels to Astana, Kazakhstan on Aug. 28 for a "Future Energy" expo along with Rep. [Kevin Cramer](#) and Overseas Private Investment Corporation CEO Ray Washburne, among others.

CALIFORNIA REPUBLICANS OUST LEADER OVER CLIMATE VOTE: California Assembly Republicans voted unanimously Thursday behind closed doors to oust Chad Mayes as their leader following his vote last month in favor of bipartisan climate change legislation, the Mercury News [reports](#). "The Republican caucus just elected a new Republican leader," Mayes announced on the floor following the 25-member caucus' vote. The new leader of the bloc, farmer Brian Dahle, voted against the extension of the state's cap and trade program.

MAIL CALL! N.H. LAWMAKERS SEEK UPDATE ON WATER CONTAMINATION: New Hampshire's two Democratic senators — [Jeanne Shaheen](#) and [Maggie Hassan](#) — and Rep. [Carol Shea-Porter](#) sent a [letter](#) to the Air Force requesting an update on efforts to decontaminate water supplies fouled with perfluorinated chemicals at the former Pease Air Force Base. They sought a public meeting as well as an opportunity for local elected officials to receive an update.

REPORT: HOW TO GET HYDROPOWER DEPLOYED FASTER: The R Street Institute released a [report](#) Thursday detailing a series of changes to the hydropower licensing process that it said would speed deployment of the renewable power source. "Congress and the administration should prioritize the reduction of uncertainties and delays in hydropower licensure, which largely stem from duplicative processes, poor dispute resolution and lack of schedule discipline," the report said. Among the top suggestions are making FERC the sole federal decision-maker and studying the possibility of privatizing federally owned dams.

NO MORE HOLDING ON RENEWABLES: Green America launched a [new campaign](#) Thursday urging AT&T and Verizon to publicly commit to fuel their operations with 100 percent renewable energy by 2025. "AT&T and Verizon both recognize the urgency of climate change and the need for action, now we need to see that concern translate into commitments to purchase of wind and solar power," Beth Porter, climate campaigns director at Green America, said in a statement. Both companies are currently using less than two percent renewable energy to power their massive servers, according to Green America.

RECORDS SOUGHT OVER AUTO REVIEW: The Center for Biological Diversity filed an [open records request](#) Thursday seeking copies of all communications between representatives of the auto industry and EPA and NHTSA over the federal reassessment of vehicle fuel economy standards. "The public deserves to know the truth about whether backroom deals are influencing the agency," Vera Pardee, a senior attorney with the group, said in a statement.

TROLL SO HARD: 314 Action, a new group hoping to get scientists elected to public office, [tweeted](#) a picture of several copies of "Environmental Science for Dummies" that they sent to EPA Administrator Scott Pruitt at the agency's headquarters.

NEW DAY, NEW WEBSITE: The House Energy and Commerce Committee unveiled a shiny new website Thursday that includes, among other things, an improved search system. Take a

glance [here](#).

QUICK HITS

— Texas oil industry boasts of near-infinite supply — but what if the world stops buying? [Houston Chronicle](#)

— Billionaire Carl Icahn Has Lost More Money This Year Than Almost Anyone in the World. [Time](#).

— Small mining company seeks to kill Ironwood Monument designation. [Tuscon.com](#).

— Duke pipeline plan delayed over environmental concerns. [Cincinatti.com](#).

— China's Solar Appetite Eats Into India's Effort on Clean Energy. [Bloomberg](#).

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Stories from POLITICO Pro

Perry's grid study: 4 things that may have legs [Back](#)

By Darius Dixon | 08/24/2017 06:56 PM EDT

The Energy Department's study of the electric grid arrived late Wednesday, but it's not yet clear whether Secretary Rick Perry's efforts to help support nuclear and coal-fired power plants will have legs.

The 187-page [report](#) called for DOE to focus mostly on R&D and coordinating efforts to prepare for disasters, and left the heavy lifting for other agencies, such as FERC, EPA, the National Science Foundation and the Nuclear Regulatory Commission.

Among the recommendations are for FERC to "expedite" its work to reformulate how electricity markets pay power generators, and for EPA to revisit its New Source Review permitting program that requires plants to tighten emissions controls when they upgrade their plants — both issues that have proven difficult for the two agencies.

"If these recommendations, as a suite, are something that the administration really wants to do,

someone in the White House is going to have to quarterback that," said Greg Gershuny, who served as chief of staff in DOE's Energy Policy and Systems Analysis office during the Obama administration and worked on the Quadrennial Energy Review.

"In the next four or five weeks, as Congress gets back, we'll see if these things are going to move," he said. "How engaged Perry is and how many times a week he's going to the Hill and talking to other agency heads is going to tell us a lot about how serious they are about this."

DOE, which did not submit the report for OMB review before its release, is now taking [public comments](#) on the study. Here's a breakdown of the issues.

Wholesale electricity markets: The new report calls on FERC to speed its work with states, grid operators and market players to "improve" how power producers are paid in the wholesale markets under the agency's jurisdiction. FERC had been grappling with the issue under its "price formation" initiative over the past three years, rolling out proposals and new rules to try to adapt to the increasing complexity of the electric grid — and to make sure power generators are fairly compensated.

However, grid operator PJM has [argued](#) regulators were thinking too small, and it released a trio of working papers earlier this year highlighting FERC's initiative while quickly noting that "fundamental" price formation issues hadn't been addressed. DOE suggested that FERC consider "fuel-neutral" markets to pay for essential grid reliability services.

So far, FERC seems sympathetic.

Soon after President Donald Trump gave him the gavel this month, FERC Chairman Neil Chatterjee stressed that generators, including coal and nuclear plants, "need to be properly compensated to recognize the value they provide." FERC has broad authority to alter market pricing rules, but that can be a slow process, and can have vastly different impacts in different states and regions — and draw sharp political pushback.

ClearView Energy Partners analysts warned against dismissing opposition to market rules that raise electricity prices on consumers.

"FERC-led initiatives can often create strange bedfellows, strong alliances and more opposition than state-led proposals," a ClearView report issued Thursday said. "We are reluctant to assume this all goes as quickly as the change advocates hope."

DOE's study also argued that "negative offers should be mitigated to the broadest extent possible," a reference to the fact that renewables like wind power can still make money even if power prices go negative because they can rely on a federal production tax credit.

Grid reliability R&D: The new report says that DOE should "focus R&D efforts to enhance utility, grid operator, and consumer efforts to enhance system reliability and resilience." That view stands in contrast to the Trump administration's first budget proposal, which suggested cutting DOE's electricity office by 42 percent from current levels, to \$120 million.

Nevertheless, Perry has said he wants his agency to focus on "early-stage" research, with the intention of transitioning that work to the private sector as quickly as possible.

DOE's study says more research should be done on technology that will make it easier for grid operators to integrate increasing amounts of renewable power, facilitate technical coordination with Canada and Mexico, and increase "targeted" R&D to boost the efficiency of coal-fired power plants.

Infrastructure development: The new push calls on the federal government to "accelerate and reduce costs for the licensing, relicensing, and permitting of grid infrastructure" — including power plants and transmission — which could easily involve a half-dozen federal agencies.

DOE, the study says, "should review regulatory burdens for siting and permitting for generation and gas and electricity transmission infrastructure and should take actions to accelerate the process and reduce costs."

The Obama administration sought to quicken the electric transmission permitting process in 2013 with a memo to the chiefs at the departments of Agriculture, Commerce, Defense, Energy and Interior, which resulted in a final rule last year. Several members of Congress have also pressed the issue in legislation, including in the 2015 highway bill that included directives to more than a dozen agencies to join a new permitting council tasked with speeding up the federal process for large infrastructure projects.

DOE also recommends that the NRC "ensure the safety of existing and new nuclear facilities without unnecessarily adding to the operating costs and economic uncertainty of nuclear energy" and, without much explanation, "[r]evisit nuclear safety rules under a risk-based approach."

The report doesn't target specific NRC regulations, but does discuss the agency's license renewal process and the expenses associated with equipment upgrades, which may make it a prime target for cost reductions.

Breaking down barriers for coal power: The study recommends that policymakers "encourage EPA to allow coal-fired power plants to improve efficiency and reliability without triggering new regulatory approvals and associated costs." That's a reference to the New Source Review permitting program, which was created under the 1977 Clean Air Act amendments to prevent coal plants and other major emitters from making equipment changes or upgrades that would increase their emissions.

Reforming the program has been an industry priority for decades, with companies arguing that power plants have held back on making upgrades that would increase their efficiency because of concerns that they would have to go through the NSR permitting process. A collection of unions earlier this summer, for example, called for NSR reform as part of any replacement rule for the Clean Power Plan.

But multiple Bush administration attempts to weaken permitting requirements show that NSR

reform is much easier said than done. A 2002 rule was partly struck down by the D.C. Circuit Court of Appeals, which said several new exemptions were not allowed under the Clean Air Act. Another 2003 rule introducing another major exemption was completely tossed out by the D.C. Circuit. A third NSR rulemaking, issued in the final days of Bush's presidency, dealt with how sources report emissions changes. Environmentalists sued, and the rule remains under reconsideration at EPA to this day.

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Trump takes potshots at GOP leaders as fiscal crisis looms [Back](#)

By Kyle Cheney and Seung Min Kim | 08/24/2017 03:40 PM EDT

President Donald Trump on Thursday reignited his feud with GOP leaders, taking fresh potshots at Senate Majority Leader Mitch McConnell and House Speaker Paul Ryan. But underneath the bluster, there's a recognition that Congress and the White House still need to work together to avoid fiscal disaster in September.

Trump is working to convene a meeting with McConnell and Ryan as well as Senate Minority Leader Chuck Schumer and House Minority Leader Nancy Pelosi soon after the August recess ends, according to congressional sources. Avoiding a federal default and a government shutdown will likely be chief among the topics of discussion.

It could be an awkward meeting.

Trump blamed McConnell and Ryan in a pair of tweets Thursday for creating a "mess" over the debt ceiling, contending they rejected his call to attach an increase in the nation's borrowing limit to a bipartisan veterans bill.

"I requested that Mitch M & Paul R tie the Debt Ceiling legislation into the popular V.A. Bill (which just passed) for easy approval," Trump wrote Thursday morning. "They didn't do it so now we have a big deal with Dems holding them up (as usual) on Debt Ceiling approval. Could have been so easy-now a mess!"

The tweets underscore the absence of a strategy heading into a delicate month of negotiations that could rock the U.S. economy as well as Trump's refusal to call a truce in the GOP's growing civil war.

The White House had said Wednesday that Trump and McConnell will meet following the August recess to discuss the fall agenda, though it did not mention Democratic leaders. A White House spokesperson didn't immediately respond to a question about a bipartisan meeting, but press secretary Sarah Huckabee Sanders said Trump intends to work closely with congressional leaders on shared policy goals.

Trump's tweet aside, passing a debt limit increase was never going to be easy.

The White House favors a "clean" debt ceiling hike. But conservatives in the House and Senate are loath to back any measure that increases the nation's borrowing authority without corresponding spending cuts and reforms. Connecting a "clean" debt ceiling hike to a veterans bill would have put them in an untenable position of either voting against their fiscal priorities or against the bipartisan VA measure.

Though the notion of tying a debt ceiling increase to the veterans measure was always likely to be doomed, one GOP source said the Senate had been preparing to support it, only to be stymied when House leaders opted to adjourn for the August recess.

Ryan said on CNBC on Thursday that the House had looked at linking the debt ceiling to the VA bill but the deadline came up and "we weren't able to do that then." Recess was also fast approaching, and House GOP leaders didn't want to keep Republicans in town for a toxic vote and then send them home feeling demoralized and angry.

Two House Republican sources also note that leaders in their chamber were worried that some GOP lawmakers would fume at being squeezed into supporting veterans and a debt increase they hated — or voting against those who served the country and sticking to their fiscally conservative principals.

At one point in early August, according to the same sources, the White House suggested the House, which left a week before the Senate, return for a debt ceiling vote. House GOP leaders rejected the idea outright because they knew it would upset their members to return for despised legislation.

Still, Ryan predicted Thursday that Congress would pass a debt ceiling increase and said there are "a lot of options" about how to structure the legislation.

Ryan also said he expects the House to pass bills to keep the government open about a week after Congress returns. But he said the Senate's heavy workload in September — which, unlike the House agenda, includes confirmation of judges, subcabinet officials and ambassadors — will likely require a short-term funding measure to keep the government open until December.

Trump, though, has signaled that he's open to playing hardball for border wall funding, raising the prospect of a shutdown next month if he doesn't sign the short-term funding extension.

Trump is increasingly furious at Senate Republicans for failing to repeal Obamacare and not doing more to curb the Russia investigations. He vented to Sens. Bob Corker (R-Tenn.) and Thom Tillis (R-N.C.) over the phone, is seeking a primary challenger to Sen. Jeff Flake (R-Ariz.) and has expressed frustration at Sen. John McCain (R-Ariz.). He's also drawn criticism from senators for his handling of the violent white supremacist march in Charlottesville, Virginia.

Trump has particularly tangled with McConnell, shouting at him in a phone call earlier this

month, while the Senate majority leader later questioned Trump's political acumen.

After hitting McConnell and Ryan over the debt ceiling, Trump added another broadside in his morning tweetstorm.

"The only problem I have with Mitch McConnell is that, after hearing Repeal & Replace for 7 years, he failed!" Trump tweeted. "That should NEVER have happened!"

Trump's attack on the Republican leaders came just a day after the White House and McConnell's office issued conciliatory statements intended to tamp down talk of a breach and after the two men had not spoken for two weeks. McConnell's statement also listed preventing a government default among his and Trump's shared goals.

And even as Trump showed no inclination to lighten up on his fellow Republicans, GOP lawmakers on Thursday appeared to try to lower the temperature around their squabble with the president.

Asked about Trump's debt-ceiling swipe, Ryan told CNBC, "I don't really take it as going after me." McConnell also praised Trump at a public appearance in Kentucky on Thursday.

Sen. Lindsey Graham (R-S.C.), a frequent Trump critic, said during an interview with conservative radio host Hugh Hewitt that Trump is right to criticize Congress and encouraged lawmakers to take tough votes.

Even Sen. Jeff Flake told Fox News he was "glad" Trump visited Arizona this week to tour the border, despite Trump's repeated attacks on him.

Still, Flake also poked at Trump in a separate interview, with CNN reporting Flake said Trump was "inviting" a 2020 challenger by how he is governing.

Elana Schor and Rachael Bade contributed to this report.

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EPA PREPARES FOR HURRICANE IRMA

Regions 2 and 4 Taking Precautions, Activating Emergency Response Teams

WASHINGTON – EPA's organized, emergency response program is preparing for Hurricane Irma, while continuing response efforts around the devastating flooding effects of Hurricane Harvey. Irma, expected to hit Southern Florida, Puerto Rico and the U.S. Virgin Islands, is expected to be a fast-moving storm, with dangerous winds that could cause widespread power outages and damage to property across multiple states and territories of the U.S. While Harvey has been unique in its extreme flooding, Irma's high winds could result in downed powerlines, complicating the ability to pump water through drinking and waste water systems, especially in Puerto Rico.

"After seeing the expert preparedness and ongoing response efforts of our team in Region 6, I am confident that Region 4 and Region 2 can replicate their efforts, as we work together to provide the needed support to local, state and federal agencies around Hurricane Irma," **said EPA Administrator Scott Pruitt.**

EPA headquarters emergency operations center, EPA Region 2 and EPA Region 4 are monitoring the storm closely and making preparations to activate in order to support the U.S. Coast Guard, the Federal Emergency Management Agency and state environmental agencies, to quickly provide support to people affected by the storm.

EPA's Regional office in Atlanta is taking precautions, including: reviewing inventory of, and understanding all sites of interest, in particular Superfund sites in Southern Florida. Initial assessment has approximately 22 current or former National Priorities List (NPL) sites within Florida's southernmost 100 miles. Region 4 is taking necessary actions to shore up these sites appropriately, work with parties responsible for their ongoing cleanups, and ensure that staff in the area are safe.

The Region is also reviewing information about drinking and waste water systems in the potentially affected areas, so that personnel in the field can be best prepared to quickly respond, post storm. EPA staff have been deployed to FEMA's Regional Response Coordination Center, as well as the State of Florida Emergency Operations Center. Region 4 also has additional staff standing by, ready to support state and federal partners if called upon.

With regard to the Mississippi phosphates Superfund site, located in Pascagoula, Mississippi, EPA is taking necessary actions to ensure the treatment plant remains operational during the storm. EPA assumed oversight of the site in February.

"We have been reaching out to all our regional and state agency contacts and I have extreme confidence in our emergency response managers," said **EPA Regional Administrator of Region 4 Trey Glenn.** "As always we stand with our states and FEMA, ready to identify at-risk locations prior

to the hurricane, and will be ready to assess damage quickly after landfall.” Region 4 serves: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and six Tribes.

EPA has identified and conducted initial assessments at approximately 23 Superfund and oil sites in Puerto Rico and U.S. Virgin Islands. In advance of Irma, Region 2 has reached out to all the responsible entities, whether they be our contractors for fund-lead projects or PRPs, for NPL sites, active removal actions and oil response actions, with regard to preparing for the storm. Region 2 serves: New Jersey, New York, Puerto Rico, the U.S. Virgin Islands and eight tribal nations.

“Our biggest health and environmental concerns in Puerto Rico and the U.S. Virgin Islands are potential oil spills and the potential impacts of power disruptions on water supply systems,” said **Acting Regional Administrator Catherine McCabe**. “Region 2 is working with managers of Superfund sites and other facilities that may contain oil or hazardous materials to ensure appropriate precautions have been taken to prevent spills. We are doing our best to prepare and support our citizens in Puerto Rico.”

Region 2 is coordinating with other federal agencies, like FEMA and the U.S. Coast Guard, and local governments in the U.S. Virgin Islands and Puerto Rico. EPA has staff set up at the regional response center in Edison, N.J. and the FEMA response center in Colts Neck, N.J. The Region is ready to deploy additional assets to the islands.

As an Agency, EPA supports hurricane preparedness and response in a number of ways, including:

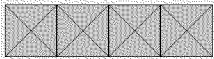
- **Addressing Fuel Shortages:** The Clean Air Act allows EPA Administrator Pruitt, in consultation with Energy Secretary Perry, to waive certain fuel requirements to address shortages that occur as a result of the storm. If Administrator Pruitt determines that extreme and unusual fuel supply circumstances exist in a state or region as a result of a hurricane, a temporary waiver can help ensure an adequate supply of gasoline is available in the affected area, particularly for emergency vehicles. EPA has an experienced team standing by to expedite handling of any fuel waiver requests by the states or commonwealth.
- **Monitoring Public Water Systems:** Water systems can be severely impacted during hurricanes due to storm surge, flooding, or loss of power from extreme winds. EPA has a tracking system to identify systems in the storm’s pathway. Following the storm, and if the state requests federal assistance, EPA conducts damage assessments of both drinking water and wastewater systems to identify impacts to critical assets and assist in the recovery.
- **Securing Superfund Sites:** EPA assesses conditions at the NPL Superfund sites in the storm’s pathway and tasks each Superfund National Priorities List (NPL) remedial site manager to assess conditions and make on-site preparations for high winds and potentially heavy rainfall. Following the storm and receding floodwaters, EPA conducts rapid assessments to identify damage at sites and initiate cleanup plans if necessary. Any on-site activities at sites located in the storm’s path are ceased until the all clear is given and on-site equipment is secured. In addition, freeboard for lagoons or ponds is increased to accommodate forecasted rainfall if possible. After a hurricane makes landfall and any flooding recedes, the EPA remedial managers will conduct assessments of each Superfund NPL site to ensure no damage has occurred.
- **Assessing Conditions at Major Industrial Facilities:** EPA assesses conditions at the major industrial facilities in the storm’s pathway to identify potential impacts and countermeasures. Following the storm and receding floodwaters, spills and releases are reported to the National

Response Center. NRC notifies the U.S. Coast Guard or EPA based on preapproved jurisdiction boundaries. EPA conducts follow up inspections and damage assessments in response to reports within EPA jurisdiction.

EPA will continue to work with Regions 2, 4 and 6 to address these hurricanes and will continue to provide information to the public as quickly as possible.

As EPA prepares to support FEMA and its local and state partners, it continues to focus its message on the importance of public safety.

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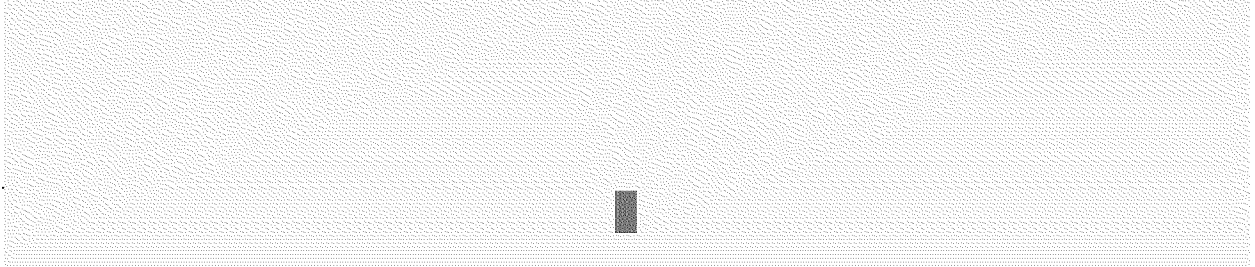
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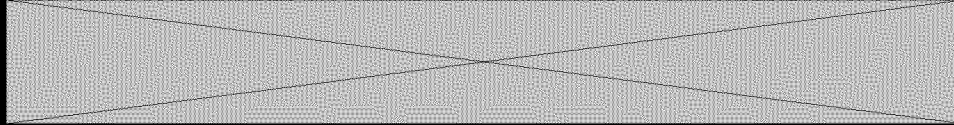


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through the changes to the I-9 employee verification form and how these may affect the employee verification procedures you already have in place.

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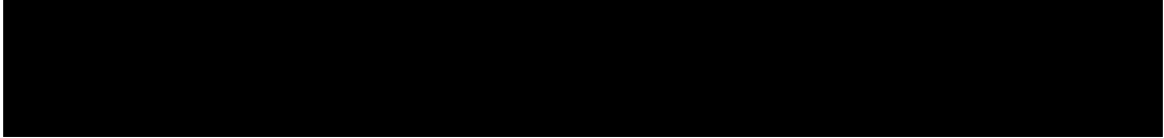
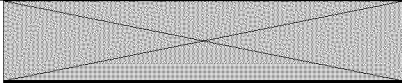
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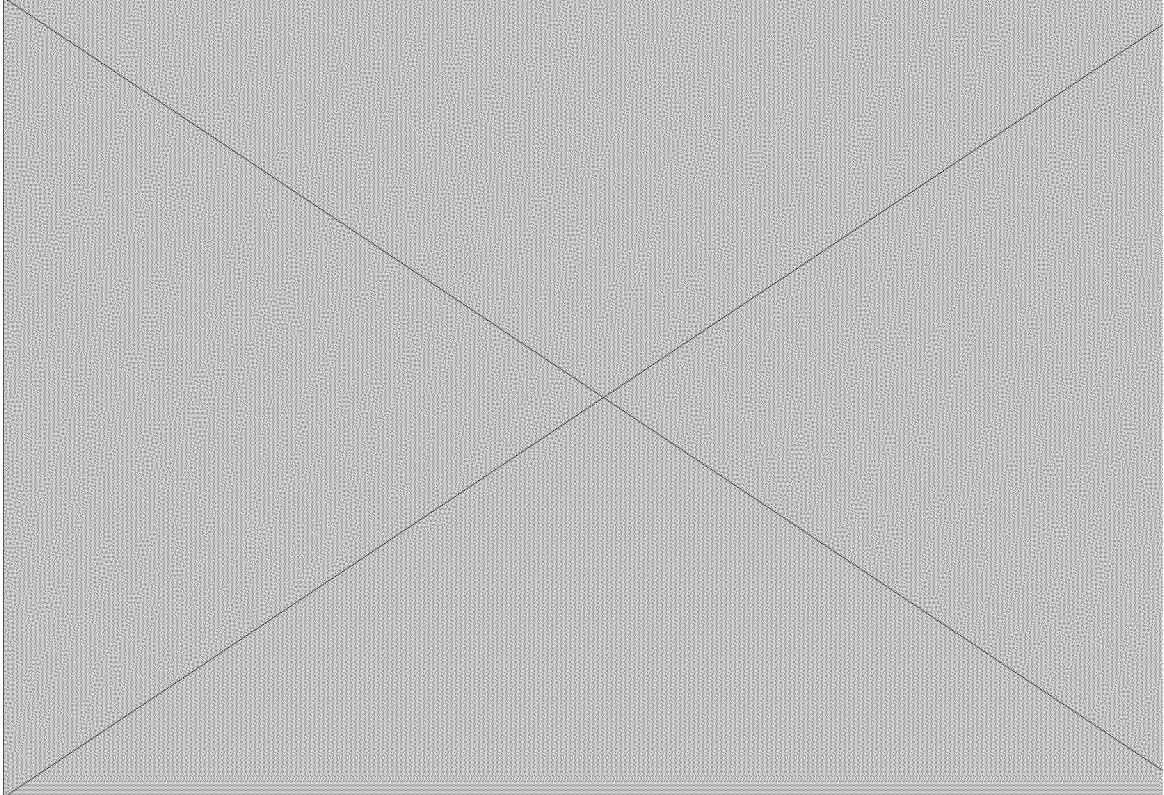
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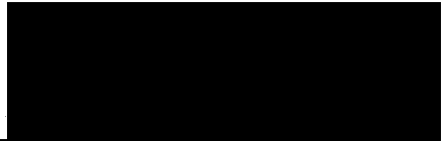
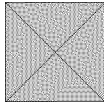
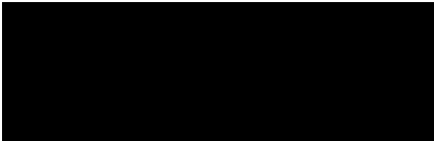


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Subject: Press Release: Johnson, Haney, Terrell, and Flournoy Join CNAS Board of Directors; Flournoy to Transition from CEO to Board

CNAS elects new members to its Board of Directors and Michele Flournoy is set to depart from her role as CEO.

Contact:
Neal Urwitz
nurwitz@cnas.org
(202) 457-9409

CNAS PRESS RELEASE

CNAS Elects Sec. Jeh Johnson, Adm. Cecil Haney USN (Ret.), Frederick Terrell, and Michèle Flournoy to Board of Directors; Flournoy to Transition from CEO to Board Effective December 31

Washington, October 17 – The Center for a New American Security (CNAS) Board of Directors today announced that former U.S. Secretary of Homeland Security Jeh Johnson; former commander of U.S. Strategic Command Adm. Cecil D. Haney, USN (Ret.); Vice Chairman, Investment Banking (USA) for Credit Suisse Frederick O. Terrell; and CNAS CEO Michèle Flournoy will join the Board of Directors. The Board of Directors also announced that Flournoy will transition from her current position as CEO to the Board of Directors effective December 31, 2017.

The Board of Directors released the following statement concerning Flournoy's transition:

"The Board of the Center for a New American Security (CNAS) was informed by Michèle Flournoy that she will depart her position as CEO by the end of 2017 to start a new strategic advisory firm. She will, however, remain engaged with the Center as a Board member and as an active supporter of the Center's programs and activities. The Board is grateful to Michèle for her stellar commitment and contributions to CNAS, first as its Co-Founder and President, and currently as its CEO, and collectively wish her well in her new endeavors.

"Flournoy, along with a strong executive team including President Richard Fontaine and other dedicated professionals, has helped CNAS achieve global recognition as a leading national security and defense think tank. Fontaine will remain President of CNAS and will ensure continuity of mission and operations.

"The Board has established a CEO search committee to identify, recruit, and recommend to the full Board outstanding candidates to lead CNAS as it continues to fulfill its mission to develop strong, pragmatic, and principled national security and defense policies; to engage policymakers, experts, and the public with innovative, fact-based research, ideas, and analysis; to shape and elevate the national security debate; and to inform and prepare the next generation of national security leaders."

Secretary Johnson is a partner in the Paul, Weiss Litigation Department, and served as Secretary of

the U.S. Department of Homeland Security from December 2013 to January 2017. There, he was responsible for counterterrorism; cybersecurity; border, port, aviation, and maritime security; and enforcement of administration and immigration laws, among a host of other duties. He previously served as General Counsel of the U.S. Department of Defense. He received his J.D. from Columbia Law School and a B.A. from Morehouse College.

Before retiring from the U.S. Navy, Admiral Haney served as commander of U.S. Strategic Command (USSTRATCOM), one of nine Unified Commands under the Department of Defense. USSTRATCOM is responsible for the global command and control of U.S. strategic force to meet decisive national security objectives. Before taking command at USSTRATCOM, Adm. Haney served as commander of the U.S. Pacific Fleet. Among many other decorations, Adm. Haney received the Navy Distinguished Service medal, the Defense Superior Service medal, the Legion of Merit, the Navy Commendation Medal, and the Navy Achievement Medal. He received master's degrees in National Security Strategy from National Defense University and in Engineering Acoustics and in System Technology from the Naval Post Graduate School. He is a 1978 graduate of the U.S. Naval Academy. In retirement, Adm. Haney serves on the John Hopkins University Applied Physics Board of Managers and as a co-chair for the China-U.S. Dialogue on Strategic Nuclear Dynamics for the Pacific Forum of the Center for Strategic and International Studies.

Mr. Terrell serves as Vice Chairman, Investment Banking (USA) at Credit Suisse. Before joining Credit Suisse, Mr. Terrell co-founded Provender Capital Group LLC, New York, and served as its Managing Partner and Chief Executive Officer. Prior to founding Provender, Mr. Terrell served as a Managing Director at Credit Suisse First Boston Corporation. He is active on a host of Boards of Directors, including Empire Blue Cross Blue Shield; the National Association of Investment Companies; PacPizza, LLC, and Diversity Channel Inc. He earned his M.B.A. from the Yale School of Management, an M.A. from Occidental College, and a B.A. from LaVerne College.

###

For more information, please contact Neal Urwitz at nurwitz@cnas.org.

The Center for a New American Security (CNAS) is an independent and nonpartisan research institution that develops strong, pragmatic and principled national security and defense policies. CNAS leads efforts to help inform and prepare the national security leaders of today and tomorrow.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro
Sent: Tue 8/15/2017 6:45:10 PM
Subject: DOJ settles high-profile Clean Water Act case with farmer

By Annie Snider

08/15/2017 02:41 PM EDT

The Department of Justice today announced a \$1.1 million settlement with a California farmer over wetlands destruction, ending a case that agricultural groups and property rights activists had criticized as federal overreach under the Clean Water Act.

John Duarte and Duarte Nursery Inc. agreed to pay \$330,000 in civil penalties and fund \$770,000 in restoration work to compensate for damage to 22 acres of protected streams and wetlands on his property. The agreement allows Duarte to return most of the site back to agricultural use and seek future determinations about whether streams and wetlands on the property are subject to federal protections.

Duarte was found guilty by a federal district court judge last year of violating the Clean Water Act by hiring a consultant to conduct "deep ripping" through waterways protected under the 1972 water law. Most farming practices, including plowing, are exempted from the law's permitting requirements, but deep ripping is not.

"Today's agreement affirms the Department of Justice's commitment to the rule of law, results in meaningful environmental restoration, and brings to an end protracted litigation," said Jeffrey Wood, acting assistant attorney general for the Justice Department's Environment and Natural Resource Division. The DOJ emphasized that "this case is not (and will not be used as) a pretext for federal prosecution of farmers who engage in normal plowing on their farms."

In a statement, Duarte said settling was a "difficult decision" that he came to "reluctantly" given the risks that an even greater penalty would have posed to his business.

WHAT'S NEXT: The settlement agreement is subject to 30 days of public comment and must ultimately be approved by the court.

To view online:

<https://www.politicopro.com/agriculture/whiteboard/2017/08/doj-settles-high-profile-clean-water-act-case-with-farmer-091819>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro
Sent: Tue 8/15/2017 4:44:26 PM
Subject: Trump to roll back climate-focused flood standard

By Annie Snider

08/15/2017 12:41 PM EDT

President Donald Trump will roll back a flood standard designed to protect federal investments from stronger storms as part of an executive order set to be signed this afternoon, according to a White House source.

The Federal Flood Risk Management Standard was established under an executive order issued by President Barack Obama in 2015. It requires that new federally funded projects — from government buildings like Veterans Administrations hospitals to bridges and schools funded by federal grants — be built to withstand the stronger storms and additional flooding projected to occur as the climate changes. It does not apply to the National Flood Insurance Program.

The Obama administration's standard offers multiple options for achieving greater flood protection, but generally requires construction to withstand a 500-year storm. The previous standard, on the books for more than four decades, required construction to take place outside of the 100-year floodplain. The new standard has not actually taken effect yet; each federal agency is tasked with developing its own regulation for implementing the standard, and none have yet been finalized.

Industry groups objected to the standard, arguing it was developed behind closed doors and could greatly increase costs.

Environmental groups have objected to efforts to repeal the standard.

"Ninety percent of all natural disasters in the United States involve flooding. These events claim lives and strain the capacity of government agencies and local communities to adequately respond and provide relief," Laura Lightbody with the Pew Charitable Trusts said in a statement.

WHAT'S NEXT: Trump is slated to sign an executive order on infrastructure containing the roll back of the Federal Flood Risk Management standard at 3 p.m. today.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/08/trump-to-roll-back-climate-focused-flood-standard-091814>

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From: POLITICO Pro
Sent: Fri 9/8/2017 9:12:48 PM
Subject: Interior IG probing Zinke's senior staff reshuffle

By Esther Whieldon

09/08/2017 05:09 PM EDT

The Interior Department's internal watchdog has launched a probe into Secretary Ryan Zinke's June reassignment of a number of senior executive staff, an official told POLITICO today.

The inspector general's office is auditing Zinke's decision to reassign dozens of senior executive service employees, including Joel Clement, who was moved from a managerial position involving climate change issues to a job collecting royalties from oil and gas companies. The office has begun interviewing key agency staff and asked the secretary's office to hand over documents, IG spokeswoman Nancy DiPaolo said.

The audit follows a request in July from Sen. Maria Cantwell (D-Wash.) and seven of her colleagues for Deputy Inspector General Mary Kendall to look into the matter.

Depending on what the audit uncovers, it could lead to a broader investigation to determine whether any laws were broken.

WHAT'S NEXT: DiPaolo said the IG hopes to wrap up its work within a few months.

To view online:

<https://www.politicopro.com/agriculture/whiteboard/2017/09/interior-ig-probing-zinkes-senior-staff-reshuffle-092682>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Wed 11/29/2017 6:24:42 PM
Subject: EPA DEPUTY NOMINATION MOVES TO SENATE FOR FULL CONSIDERATION

EPA DEPUTY NOMINATION MOVES TO SENATE FOR FULL CONSIDERATION

WASHINGTON – (November 29, 2017) Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt applauded the U.S. Senate Environment and Public Works (EPW) Committee's vote advancing Andrew Wheeler, nominee to be EPA deputy administrator. Wheeler's nomination now moves to the Senate for full consideration, along with four other EPA nominees. Administrator Scott Pruitt released the following statement following this vote:

"Andrew is an environmental policy expert with deep understanding of EPA issues. I look forward to his consideration before the Senate and his confirmation in the near future. I know Andrew will help us advance the President's Agenda, with his thoughtful and collaborative leadership at EPA."

More quotes of approval for Andrew Wheeler:

U.S. Senator James Inhofe: "I am pleased that President Trump has nominated Andrew Wheeler to serve as deputy administrator at the EPA. There is no one more qualified than Andrew to help Scott Pruitt restore EPA to its proper size and scope. When he served as my staff director of the Environment and Public Works Committee, he provided me with invaluable guidance, and in turn became a close friend. I am confident he will serve the American people and President Trump with exceptional skill in this position, and I look forward to ensuring his swift confirmation."

U.S. Congressman Bill Johnson: "Andrew Wheeler will do a fine job at EPA, helping to ensure the agency's mission of protecting the environment is maintained without the EPA becoming an unnecessary impediment to responsible energy exploration and job creation."

U.S. Congressman David B. McKinley: "With extensive experience working on Capitol Hill, in the Executive branch, and in the private sector, Andrew Wheeler is eminently qualified and a great pick to serve as Deputy Administrator of the EPA. There are few people in Washington who have the same depth of knowledge and experience on energy and environment issues. I look forward to continuing working with Andrew once he is confirmed in his new role."

Former U.S. Senator Joe Lieberman: "Andrew was Republican staff director during part of the time I was on the Senate Environment Committee. We worked together on some issues and disagreed on others. He conducted himself in a fair and professional manner. I hope his nomination will receive similarly fair consideration by the Senate."

Jay Timmons, President and CEO, National Association of Manufacturers: "Andrew's significant experience on Capitol Hill, and his extensive background working on environmental and natural resource policy makes him an outstanding choice to join the leadership at the EPA. Manufacturers have welcomed Administrator Pruitt's efforts to bring balance to rulemaking at the agency and focus on the EPA's core mission. We're confident Andrew will help advance that mission and ensure that our country can achieve the dual goals of responsible environmental stewardship and strong economic growth."

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Wed 8/2/2017 10:58:39 PM
Subject: EPA CONTINUES TO WORK WITH STATES ON 2015 OZONE DESIGNATIONS

Contact Information: press@epa.gov

EPA CONTINUES TO WORK WITH STATES ON 2015 OZONE DESIGNATIONS

EPA continues to work with states on technical issues, disputed designations and insufficient information

(WASHINGTON) – The U.S. Environmental Protection Agency (EPA) is moving forward with 2015 ozone designations, working with states to help areas with underlying technical issues, disputed designations, and/or insufficient information. This will help ensure that more Americans are living and working in areas that meet national ambient air quality standards (NAAQS).

“We believe in dialogue with, and being responsive to, our state partners. Today’s action reinforces our commitment to working with the states through the complex designation process,” said **EPA Administrator Scott Pruitt**.

The Clean Air Act gives EPA the flexibility to allow one additional year for sufficient information to support ozone designations. EPA may take future action to use its delay authority and all other authority legally available to the Agency to ensure that its designations are founded on sound policy and the best available information.

Earlier this summer, it was evident that the Agency would not meet the October 1 deadline to designate all areas, due to underlying complexities, methodological, and informational questions with regard to this new ozone NAAQS standard. For example, the question of whether or not this ozone NAAQS was set so low as to implicate natural “background” ozone levels in some parts of the country has repeatedly been raised.

In June, EPA issued a Federal Register notice announcing that it was delaying its deadline for designations by one year, from October 1, 2017 to October 1, 2018. Previous EPA administrations had repeatedly invoked this statutory power to delay designations for part or all of the country. Today’s announcement replaces our earlier action that delayed the Agency’s designation deadline on a nationwide basis and clarifies our path forward, so that the Agency can be more responsive to local needs.

“Under previous Administrations, EPA would often fail to meet designation deadlines, and then wait to be sued by activist groups and others, agreeing in a settlement to set schedules for designation,” said **EPA Administrator Scott Pruitt**. “We do not believe in regulation through litigation, and we take deadlines seriously. We also take the statute and the authority it gives us seriously.”

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Mon 10/16/2017 9:26:00 PM
Subject: Trump's EPA Curbs "Sue-And-Settle" Practice

WHAT THEY ARE SAYING ...

Trump's EPA Curtails "Sue-And-Settle" Practice

BLOOMBERG: "The Trump administration moved Monday to curb settlements with conservationists and industry, instead vowing to fight cases designed to force the Environmental Protection Agency to take action. EPA Administrator Scott Pruitt said he is ending a 'sue-and-settle' practice that has resulted in closed-door agreements committing the agency to regulating greenhouse gas emissions or mercury pollution from power plants. 'It's very important that we do not engage in rulemaking through litigation,' Pruitt told reporters at a briefing Monday. As of today, with this directive and the memorandum, we're no longer going to be involved in that practice.'" ([Bloomberg](#), 10/16/17)

TALKING POINTS MEMO: "Pruitt pledged that the agency would no longer reimburse attorneys' fees in cases where it decides to avoid a lawsuit, arguing that both environmental and business groups had abused it to enrich themselves in the past. 'This is not particular to one type of plaintiff,' he said. 'There should be no attorneys' fees paid, period, no matter who the plaintiff is.'" ([Talking Points Memo](#), 10/16/17)

THE PROGRESSIVE FARMER: "President Barack Obama's U.S. Environmental Protection Agency took a lot of heat from rural America for working with environmental groups that sued the federal government on various aspects of environmental law. Otherwise known as sue and settle, environmental groups and others have made a cottage industry out of suing and forcing EPA to settle. The agency has taken heat for making so-called backroom deals with those groups, often leading to changes in environmental laws. On Monday, EPA Administrator Scott Pruitt announced an agency-wide directive to end the practice." ([The Progressive Farmer](#), 10/16/17)

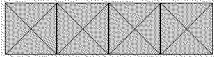
THE WASHINGTON POST: "Environmental Protection Agency Administrator Scott Pruitt issued a directive on Monday to limit the extent to which EPA can reach legal agreements with groups suing to force it to take regulatory action. Ending the practice known as 'sue and settle' has long been a top priority for conservatives and business groups. In recent years, especially under the Obama administration, the EPA and other agencies resolved litigation over delays in issuing rules by agreeing to specific timelines to act and reimbursing plaintiffs' attorney fees." ([The Washington Post](#), 10/16/17)

FOX NEWS: "Republicans, including Pruitt, had fought with the Obama administration in court over what they described as a back-room practice that led to more red tape. They claimed the EPA routinely entered into consent decrees with environmental groups that had sued the agency, in turn leading to new regulations for states – covering clean air rules and more – without allowing them to defend their interests." ([Fox News](#), 10/16/17)

THE WASHINGTON EXAMINER: "The Environmental Protection Agency on Monday became the first of President Trump's agencies to issue an order barring the agency from being drawn into court

settlements that alter environmental outcomes to the liking of environmental and other special interest groups." (The Washington Examiner, 10/16/17)

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 11/29/2017 5:42:54 PM
Subject: NOAA nominee says he won't suppress climate work

By Emily Holden

11/29/2017 12:41 PM EDT

President Donald Trump's nominee to run the National Oceanic and Atmospheric Administration said at his confirmation hearing today he believed that human activities were affecting the climate, and he pledged not to suppress climate research or discriminate against climate scientists.

AccuWeather CEO Barry Myers, who holds business and law degrees but has drawn criticism because he lacks a scientific background, told Sen. [Ed Markey](#) (D-Mass.) at a Commerce Committee hearing he agrees with the findings of the 13-agency National Climate Assessment, which deems it highly likely that human activity is a dominant cause of rising temperatures.

"I was on the graduate faculty at Penn State for many years, I know what quality research looks like, I know what peer-reviewed research looks like, and scientists should be free to operate in that kind of environment," he said. "They need to subject their research, obviously, to peer review so that other scientists can weigh in on it, but once that process is completed that information should be made available to all."

He told Markey he would support climate change research as the budget allows, and would not reassign scientists or keep them from speaking publicly "based upon their science conclusions."

Myers also acknowledged that his agency could see funding cuts, which he said could be "challenging."

And he agreed that sea-level rise is a pressing issue for many coastal communities.

WHAT'S NEXT: The Senate Commerce Committee has not yet scheduled a vote on the nomination.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/11/noaa-nominee-says-he-wont-suppress-climate-work-160122>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Wed 10/11/2017 6:51:12 PM
Subject: Administrator Pruitt Addresses National Tribal Operations Committee

CONTACT: press@epa.gov

Administrator Pruitt Addresses National Tribal Operations Committee

WASHINGTON (October 11, 2017) – Today, Environmental Protection Agency (EPA) Administrator Scott Pruitt addressed the National Tribal Operations Committee (NTOC) where he spoke on the pressing issues facing environmental leaders in Indian country and how best the Agency and tribal leaders can collaborate on their shared goals and challenges.

"EPA is committed to working and partnering with tribal governments to address our shared environmental concerns and challenges," **said Administrator Pruitt**. "I understand the important role that tribal governments play in environmental management, and the unique government-to-government relationship that tribes have with the federal government. The process that we engage in as co-regulators is very important. I believe that regulations ought to make sense, and part of that is engaging directly with tribal governments --taking comments and consulting with tribal governments, so that we are making informed decisions."

In 1984, President Regan published the Federal Indian Policy supporting the primary role of tribal governments matters affecting American Indian Reservations. EPA has worked to recognize the importance of tribal governments in regulatory activities to ensure healthy outcomes for American citizens living on Indian Reservations.

"The 1984 EPA Indian Policy is a critical instrument that provides both the EPA and Native American tribes with principles that illustrate the federal trust relationship," **said National Tribal Caucus Chairman Evaristo Cruz**. "On behalf of the National Tribal Caucus we would like to thank Administrator Pruitt for upholding and honoring this legacy that EPA has instituted."

Administrator Pruitt will continue to work with American's tribal partners and is reaffirming EPA's 1984 Policy that will continue to advance cooperative federalism within the policy's principles.

EPA Administrator Scott Pruitt with members of the National Tribal Caucus.

EPA Administrator Scott Pruitt addresses the National Tribal Operations Committee.

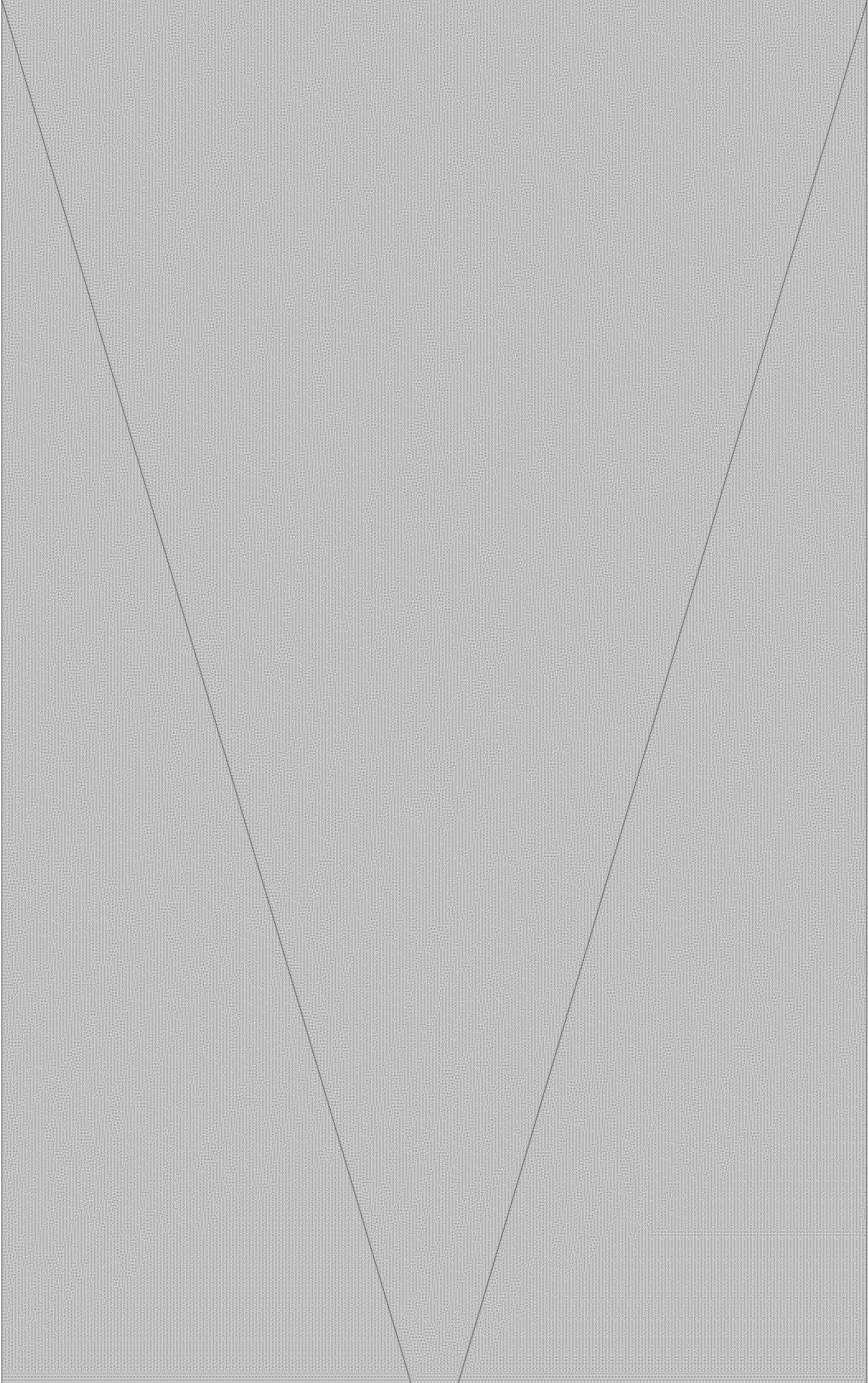
EPA Administrator Scott Pruitt signs a statement reaffirming the principles of the 1984 EPA Indian Policy with National Tribal Caucus Chairman Evaristo Cruz.

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From: Morning Consult
Sent: Tue 9/5/2017 6:06:03 PM
Subject: Sponsored by the Electronic Payments Coalition: Retailers must share responsibility for data security



Morning Consult, on behalf of Electronic Payments Coalition, conducted an online survey of 2,000 registered voters from August 23
24, 2017. Results from the full survey have a margin of error of +/- 2%.

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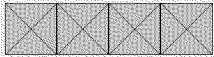
To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Fri 9/8/2017 5:45:26 PM
Subject: ABC NEWS: EPA administrator Scott Pruitt on Hurricane Irma: 'Powerhouse Politics Podcast'

ABC NEWS

EPA Administrator Scott Pruitt on Hurricane Irma: 'Powerhouse Politics Podcast'

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro
Sent: Wed 12/6/2017 10:42:52 PM
Subject: Republicans divided over taking up tax extenders this year

By Brian Faler

12/06/2017 05:40 PM EDT

Republican leaders are divided over whether to take up a second tax-cut bill this year.

Senate Republicans want to move legislation reviving a rump group of tax "extenders," separate from their more sweeping plan to rewrite the code.

But the House's top tax writer isn't so sure.

"I don't like the extenders," said House Ways and Means Chairman Kevin Brady (R-Texas). "It's horrible policy and process."

"No decision yet," he added, saying lawmakers need to talk it over.

His comments came after Sen. John Thune, the chamber's No. 3 Republican, said today lawmakers will revive biodiesel, geothermal and other energy-related breaks along with other "cats and dogs," including a tax credit to maintain short-line railroads.

Thirty-four temporary tax provisions expired at the end of last year, including 16 energy ones, and lawmakers are now facing demands to revive them. Some want to attach the provisions to funding legislation needed to keep the government open H.J. Res. 123 (115).

Many Republicans had sworn off the "extender" ritual after a 2015 tax agreement made many of the breaks permanent while giving others what lawmakers said was one final extension — which, for some, ended last year.

Putting together an extender bill, even as lawmakers negotiate a final compromise on their tax-overhaul plans, is likely to test tax writers' bandwidth.

To view online:

<https://www.politicopro.com/tax/whiteboard/2017/12/republicans-divided-over-taking-up-tax-extend-ers-this-year-210416>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro
Sent: Fri 7/28/2017 4:32:04 PM
Subject: Court says blend wall fears not enough to justify ethanol volume waivers

By Eric Wolff

07/28/2017 12:28 PM EDT

The D.C. Circuit today rejected EPA's decision to use a waiver to reduce conventional ethanol volumes in its rule setting volumes for 2014-2016, a win for ethanol producers.

The Renewable Fuel Standard allows EPA to lower volumes set by Congress if it determines domestic biofuel producers will not be able to provide adequate supply. But in its rule setting volumes for 2014-16, the agency said it had to issue the waiver because of inadequate demand for ethanol. If the agency required more ethanol than consumers would buy, a situation known as the blend wall, refiners feared complying with the program would be difficult and expensive.

The court held that EPA's attempt to argue that insufficient demand was the same as insufficient supply would not justify use of the waiver.

"We reject EPA's attempt to bootstrap the definition of 'renewable fuel' into a boundless general waiver authority," the three-judge panel wrote in its unanimous opinion.

The court rejected all other challenges in the case: It found that EPA does not have to address which companies bear the obligation for complying with the program in annual rules; it upheld EPA's separate waiver to reduce requirements for cellulosic ethanol; and it found that EPA does not need to consider the amount of leftover RFS credits from prior years when it sets future volumes.

The court also affirmed EPA's right to set biofuel requirements even when it misses statutory deadlines, a decision that could be important for EPA this year, as it is already behind schedule on setting final volumes for 2018.

WHAT'S NEXT: The court remanded the case back to EPA to figure out what to do now that its use of the waiver was invalidated for the previous three years.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/07/court-says-blend-wall-fears-not-enough-to-justify-ethanol-volume-waivers-091232>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Women Rule
Sent: Wed 10/11/2017 5:20:49 PM
Subject: See You Tonight | Women Rule Cocktails & Conversation - Women in STEM

Dear Samantha,

We look forward to seeing you tonight for a Women Rule conversation with women in STEM, featuring speakers **Phaedra Chrousos** and **Denise Turner Roth**. Full event details below:

When: TODAY, Wednesday, October 11th | 6:00 – 8:00 PM
Where: Google Offices | 25 Massachusetts Ave. NW – 9th Floor

If you would like to bring a guest, or have a friend that would benefit from joining the Women Rule community, please reply to this email!

Best,

Women Rule

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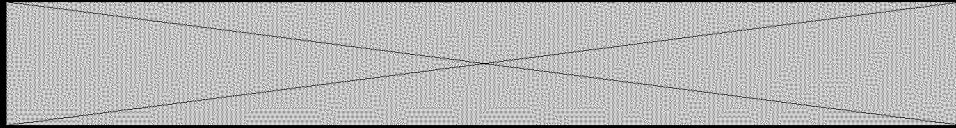
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: CommercialLawWebAdvisor
Sent: Tue 7/25/2017 12:11:00 PM
Subject: Attorneys and Privacy: Obligations and Responsibility Regarding Email, WiFi, the Cloud & More.



This timely webinar provides an overview of the relevant rules of professional conduct and privacy, focusing on the recent changes to address advances in technology.

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CLE:

Presenter: Daniel A. Cotter, Partner, Butler Rubin Saltarelli & Boyd LLP, Chicago, IL.

Who Should Attend? In-house counsel, general counsel, corporate counsel.

WHAT YOU'LL LEARN

This webinar will cover:

- What lawyers should know about the recent American Bar Association Opinion 477 regarding confidentiality of emails.
- Basics of the Rules of Professional Conduct and what each lawyer must understand.
- Other privacy procedures coming from clients, including the recently issued Principles from the Association of Corporate Counsel.
- Application of the Rules of Professional Conduct to some specific technologies.
- What steps lawyers can take to help prevent being victims of hacks.
- AND MUCH MORE!

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YOUR CONFERENCE LEADER

Your conference leader for **Attorneys and Privacy: Understanding Your Obligations and Professional Responsibility, Including Email and Electronic Communications** is Daniel A. Cotter. Dan is a partner with Butler Rubin Saltarelli & Boyd LLP in Chicago, IL. For more than 25 years, Dan has worked in the insurance industry or had clients in it through a variety of accounting, in-house and private practice experiences. Before joining Butler Rubin in 2015, Dan served as the vice president, general counsel & secretary of Fidelity Life Association. His experience includes extensive transactional work as a buyer, seller and counsel; redomestications in numerous states, handling Form A filings, including hearings and/or exemptions in nearly 20 states; general regulatory and government relationships and filings in multiple jurisdictions; and market conduct, financial exam and fines and penalties experience. He also has extensive litigation and oversight experience.

In addition, Dan assists corporations and not-for-profit entities in merger and acquisition transactions, review of cybersecurity insurance coverage and exposure, capital, lease and other financing transactions, employment and separation agreements, preparation of corporate, partnership and limited liability company documents, and other business and commercial transactions. He organizes companies, represents investors, advises senior executives as they join and leave companies, and counsels clients in disputes over control of their businesses. He also provides backup support to corporate law departments. The diversity of Dan's background and experience allows him to provide sound advice and develop inventive solutions for his clients over a broad range of business and legal issues.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 12/6/2017 8:30:25 PM
Subject: EPA to hold more hearings on Clean Power Plan withdrawal

By Emily Holden

12/06/2017 03:28 PM EDT

EPA will hold three additional public hearings on a proposal to withdraw the Clean Power Plan, in San Francisco; Gillette, Wyo.; and Kansas City, Mo., the agency announced today.

EPA Administrator Scott Pruitt in a press release said the change was "due to the overwhelming response" to two days of hearings in West Virginia last week. Many environmental advocates criticized EPA for initially scheduling hearings only in coal country.

The agency will announce the dates and locations of the meetings in the coming weeks, and speakers must [register](#).

The Obama administration, by comparison, held public hearings on the proposed climate standards in 2015 in Pittsburgh, Denver, Atlanta and Washington, D.C.

WHAT'S NEXT: Comments on the draft withdrawal are due Jan. 16.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/12/epa-to-hold-more-hearings-on-clean-power-plan-withdrawal-208709>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Mon 10/16/2017 3:35:00 PM
Subject: Administrator Pruitt Issues Directive to End EPA "Sue & Settle"

CONTACT: press@epa.gov

Administrator Pruitt Issues Directive to End EPA "Sue & Settle"

"The days of regulation through litigation are over," – EPA Administrator Scott Pruitt

WASHINGTON (October 16, 2017) – In fulfilling his promise to end the practice of regulation through litigation that has harmed the American public, EPA Administrator Scott Pruitt issued an Agency-wide directive today designed to end "sue and settle" practices within the Agency, providing an unprecedented level of public participation and transparency in EPA consent decrees and settlement agreements.

"The days of regulation through litigation are over," said EPA Administrator Scott Pruitt. "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the Agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle."

Over the years, outside the regulatory process, special interest groups have used lawsuits that seek to force federal agencies – especially EPA – to issue regulations that advance their interests and priorities, on their specified timeframe. EPA gets sued by an outside party that is asking the court to compel the Agency to take certain steps, either through change in a statutory duty or enforcing timelines set by the law, and then EPA will acquiesce through a consent decree or settlement agreement, affecting the Agency's obligations under the statute.

More specifically, EPA either commits to taking an action that is not a mandatory requirement under its governing statutes or agrees to a specific, unreasonable timeline to act. Oftentimes, these agreements are reached with little to no public input or transparency. That is regulation through litigation, and it is inconsistent with the authority that Congress has granted and the responsibility to operate in an open and fair manner.

"Sue and settle" cases establish Agency obligations without participation by states and/or the regulated community; foreclose meaningful public participation in rulemaking; effectively force the Agency to reach certain regulatory outcomes; and, cost the American taxpayer millions of dollars.

With today's directive, Administrator Pruitt is ensuring the Agency increase transparency, improve public engagement, and provide accountability to the American public when considering a settlement agreement or consent decree by:

1. Publishing any notices of intent to sue the Agency within 15 days of receiving the notice;
2. Publishing any complaints or petitions for review in regard to an environmental law, regulation,

or rule in which the Agency is a defendant or respondent in federal court within 15 days of receipt;

3. Reaching out to and including any states and/or regulated entities affected by potential settlements or consent decrees;
4. Publishing a list of consent decrees and settlement agreements that govern Agency actions within 30 days, along with any attorney fees paid, and update it within 15 days of any new consent decree or settlement agreement;
5. Expressly forbidding the practice of entering into any consent decrees that exceed the authority of the courts;
6. Excluding attorney's fees and litigation costs when settling with those suing the Agency;
7. Providing sufficient time to issue or modify proposed and final rules, take and consider public comment; and
8. Publishing any proposed or modified consent decrees and settlements for 30-day public comment, and providing a public hearing on a proposed consent decree or settlement when requested.

The full directive and memo can be read [here](#).

The video of the signing can be found [here](#). A downloadable b-roll version can be found [here](#).

EPA Administrator Scott Pruitt signs an Agency-wide directive to end "sue and settle" practices within the Agency.

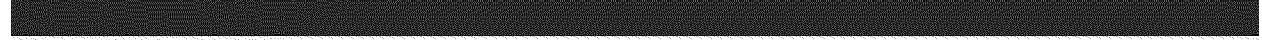
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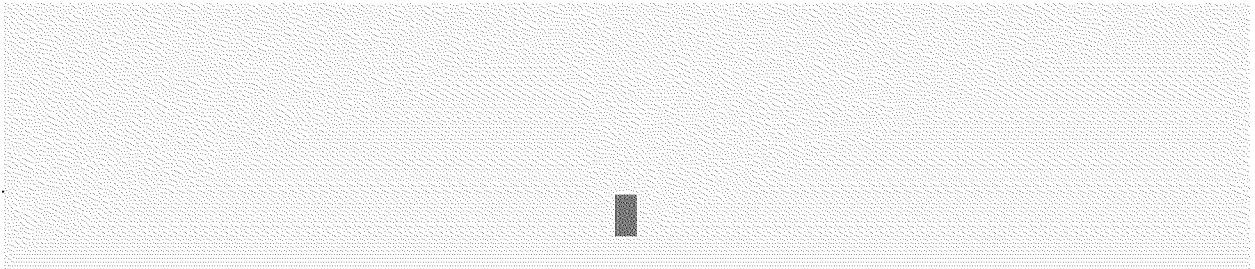
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From: Morning Consult
Sent: Wed 8/2/2017 12:52:57 PM
Subject: Morning Consult Washington, Presented by the Electronic Payments Coalition: Senate Confirms Wray as Next FBI Director



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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Wed 12/6/2017 8:11:07 PM
Subject: EPA Announces Additional Public Listening Sessions on Proposed Repeal of Clean Power Plan

EPA Announces Additional Public Listening Sessions on Proposed Repeal of Clean Power Plan

WASHINGTON (December 6, 2017) — The U.S. Environmental Protection Agency (EPA) will hold three additional public listening sessions on the proposed repeal of the Clean Power Plan in San Francisco, Calif., Gillette, Wyo. and Kansas City, Mo.

“Due to the overwhelming response to our West Virginia hearing, we are announcing additional opportunities for the public to voice their views to the Agency,” **said EPA Administrator Scott Pruitt.**

Public listening sessions will be on EPA’s proposed repeal of the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (commonly known as the Clean Power Plan). Dates and specific locations will be released in coming weeks; please see the website for details. All persons wanting to speak are encouraged to register in advance.

“The Trump administration is listening to the people of Wyoming,” **said U.S. Senator John Barrasso (R-WY), chairman of the Senate Committee on Environment and Public Works (EPW).** “Today’s announcement that the EPA will hold a listening session in Gillette, on the impacts of the so-called ‘Clean Power Plan,’ demonstrates the administration’s commitment to hear directly from the people who would have been hurt most by this punishing regulation. The Clean Power Plan would have meant lost jobs for energy workers in Gillette and across Wyoming. I am thankful to EPA Administrator Scott Pruitt for his leadership on this important issue.”

Registration information will be posted at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan>

Oral comments and supporting information presented at each session will be included in the docket for this proceeding.

Written comments about EPA’s proposal must be received by the last day of the comment period, January 16, 2018. Comments should be identified by Docket ID No. EPA-HQ-OAR-2017-0355 and may be submitted by one of the methods listed on the Clean Power Plan Proposed Repeal: How to Comment web page.

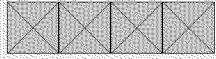
Background:

Soon after the previous Administration issued the Clean Power Plan in 2015, 150 entities including 27 states, 24 trade associations, 37 rural electric co-ops, and three labor unions challenged the CPP, highlighting a range of legal and technical concerns. A few months later, the United States Supreme Court stayed the CPP, immediately halting implementation—the first time the Supreme Court had ever issued a stay to block the enforcement of a regulation.

On March 28, 2017, Administrator Pruitt signed a notice indicating the EPA’s intent to review the

Clean Power Plan, in accord with the President's Energy Independence Executive Order. On October 16, the EPA proposed to repeal the Clean Power Plan, proposing that it is not consistent with the Clean Air Act. EPA is now taking comment on that proposal and has extended the public comment period to January 16, 2018.

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From: EPA Press Office
Sent: Fri 9/8/2017 1:29:58 PM
Subject: REUTERS: EPA chief says ready to further relax fuel standards due to hurricanes

CORRECTION: The correct headline is: EPA chief says ready to further relax fuel standards due to hurricanes. <http://reut.rs/2gPEyju>

REUTERS

EPA Chief Says Ready To Further Relax Fuel Standards Due To Hurricanes

Valerie Volcovici

Reuters

September 7, 2017

<https://www.reuters.com/article/us-storm-irma-epa/epa-chief-says-ready-to-further-relax-fuel-standards-due-to-hurricanes-idUSKCN1BJ01S>

The U.S. Environmental Protection Agency is preparing for Hurricane Irma's landfall on the U.S. East Coast by securing vulnerable toxic waste sites and easing gasoline standards to ensure steady fuel supplies, its chief told Reuters on Thursday. ...

"The most we can do is help people in these areas by monitoring drinking water and respond to real and tangible issues," he said in a brief telephone interview.

Hurricane Irma is expected to make landfall in Florida as early as Friday after slamming Caribbean islands with 185 mph winds, only days after Hurricane Harvey triggered record flooding in Texas that killed scores of people.

The EPA said has issued waivers on certain federal requirements for the sale, production and blending of gasoline to avoid supply shortfalls in the aftermath of Harvey and as Hurricane Irma approaches Florida.

Pruitt said he spoke with Florida Governor Rick Scott about potentially issuing more waivers on gasoline requirements if the need arises after Irma.

"EPA will grant additional waivers if requested," he said.

He said the agency is also evaluating 80 Superfund toxic waste sites from Florida to North Carolina to identify those at risk of flooding.

[To Read The Full Story Click Here](#)

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From: Morning Consult
To: Dravis, Samantha
Sent: 10/16/2017 3:01:20 PM
Subject: Presented by the Public Affairs Council: New Survey Shows Trump & Clinton Voters Agree on One Thing

This email was sent by: **Morning Consult**
PO Box 27068 Washington, DC, 20038, US

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From: EPA Press Office
Sent: Mon 8/21/2017 8:07:29 PM
Subject: EPA Announces Appointment of Trey Glenn to Region 4 Administrator

Contact Information: press@epa.gov

EPA Announces Appointment of Trey Glenn to Region 4 Administrator

Glenn Will Lead Environmental Protection Efforts Across Eight Southern States

WASHINGTON (August 21, 2017) – Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt announced the appointment of Trey Glenn of Alabama to become Regional Administrator for EPA's Southeast Region (Region 4). Mr. Glenn will employ his 22 years of environmental and regulatory experience in leading the environmental protection efforts across Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

Mr. Glenn served as director of the Alabama Department of Environmental Management (ADEM) from 2005 - 2009 where he managed over 600 ADEM employees tasked with ensuring a safe, healthy, and productive environment to all Alabama residents. Mr. Glenn also served as division director for the Alabama Office of Water Resources from 2001- 2005 where he was responsible for leading day-to-day operations on coordinating and managing Alabama's water resources. Most recently, Mr. Glenn has been working as an independent engineer consultant and business owner, focused on environmental issues.

"Trey Glenn will bring invaluable experience as regional administrator having spent over two decades working in the field of environmental and regulatory policy," **said Administrator Pruitt**. "Mr. Glenn will help us carry out President Trump's vision of creating a more streamlined and efficient EPA that focuses on the Agency's core mission, while also providing more regulatory certainty to our nation's businesses."

What others are saying about Trey Glenn's appointment:

Alabama Governor Kay Ivey: "We are proud to have a person of Trey Glenn's caliber leading such an important organization for our area. His experience as Director of the Alabama Department of Environmental Management places him in a unique position to be prepared to work with these southern states. We are also especially glad to know someone with in-depth knowledge of Alabama will be overseeing our region. Our state looks forward to working closely with Trey and the EPA team to ensure the needs of the state are met and that we stay environmentally friendly."

United States Senator Richard Shelby: "As an accomplished environmental engineer from Alabama, Trey Glenn is well-prepared for this new role and challenge as the EPA Region 4 Administrator. Trey has a proven record of leveraging internal and external operations to advance clearly defined goals. Having served as the director of the Alabama Department of Environmental Management, he understands the value and importance of state authority and control. I am confident that Trey will provide respected leadership across the eight state region, while also promoting and protecting a strong and healthy environment."

Director of Alabama Department of Environmental Management Lance R. LeFleur: "I have had the opportunity to work with Trey Glenn as I transitioned into my position as Director of the Alabama Department of Environmental Management – a position he previously occupied – so I have seen his capabilities first hand. President Trump made a wise choice in selecting Trey. I am confident he will do an outstanding job, especially considering he will have an exceptionally fine career staff in Region 4 at his side. I look forward to working with Trey in assuring for Alabama citizens a safe, healthful, and productive environment."

Georgia Environmental Protection Division Director Richard Dunn: "We welcome the selection of Trey Glenn and look forward to working with him and the Region 4 team to identify more aligned and mutually supportive efforts to address today's environmental challenges."

Kentucky Department for Environmental Protection Commissioner Aaron Keatley: "The Kentucky Energy and Environment Cabinet is pleased to learn of Trey Glenn's appointment as the U.S. EPA Regional Administrator for EPA Region 4. His experience in leading a state environmental agency and in private sector consulting provides him with a valuable perspective on state and local priorities and needs. Trey's experience and leadership will help facilitate the ability of U.S. EPA to make reasonable and timely decisions on environmental topics important to Kentucky. We look forward to working with Trey as we partner together to protect Kentucky's environment and create new opportunities for the growth of Kentucky's economy."

South Carolina Director of Environmental Affairs Myra Reece: "The new Regional Administrator has experienced first hand the many environmental challenges that states and rural communities face, as well as recognizes the value of robust stakeholder engagement and collaborative problem solving. We look forward to working with Trey and the entire EPA Region 4 team as we enhance and reconfigure the cooperative federalism relationship and work more effectively in achieving SC's vision of *Healthy People Living in Healthy Communities*."

Executive Director of the Mississippi Department of Environmental Quality Gary Rikard: "I look forward to working with Trey Glenn in his new position as EPA Regional Administrator. His prior experience as head of the Alabama Department of Environmental Management will bolster Administrator Pruitt's goal of improving cooperative federalism and building relationships between EPA and the states in administering environmental regulations and policy."

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From: Morning Consult
Sent: Fri 9/8/2017 1:23:30 PM
Subject: Morning Consult Washington, Presented by Freight Rail Works: House Slated to Clear Bill Combining Harvey Aid, Stopgap Spending, Debt Limit Increase

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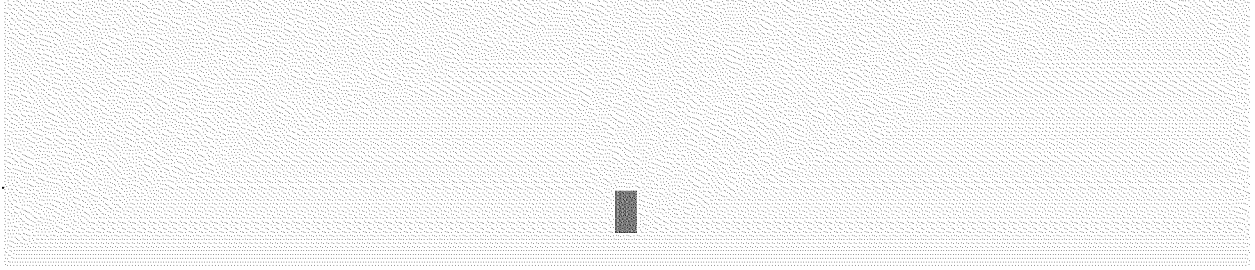
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Tue 8/1/2017 8:49:42 PM
Subject: WFB: Scientific Integrity Committee Clears Pruitt Against Sierra Club's 'Climate Denier' Charge

The Washington Free Beacon

Scientific Integrity Committee Clears Pruitt Against Sierra Club's 'Climate Denier' Charge

Scientific Integrity Committee Clears Pruitt Against Sierra Club's 'Climate Denier' Charge

August 1, 2017

Elizabeth Harrington

<http://freebeacon.com/issues/scientific-integrity-committee-clears-pruitt-against-sierra-clubs-climate-denier-charge/>

The Sierra Club has failed in its attempt to label Scott Pruitt a violator of the Environmental Protection Agency's Scientific Integrity Policy.

Pruitt is off the hook for expressing an opinion about global warming, as a scientific review panel ruled that it is within EPA policy to call for rigorous debate on the issue, according to a letter obtained by the Washington Free Beacon.

"The freedom to express one's opinion about science is fundamental to EPA's Scientific Integrity Policy even (and especially) when that point of view might be controversial," wrote Dr. Thomas Sinks, the director of the EPA's Office of the Science Advisor.

The Sierra Club filed a complaint to the inspector general against Pruitt in March, alleging Pruitt violated the Scientific Integrity Policy by saying during an interview that there is disagreement among scientists about whether CO2 is the primary driver of global warming.

The inspector general referred the allegation to Dr. Francesca Grifo, the EPA's Scientific Integrity Official, who then passed along the Sierra Club's complaint to the EPA Scientific Integrity Committee.

The committee cleared Pruitt of the charge, and, in fact, defended the EPA administrator for expressing his opinion and encouraging "vigorous debate."

"In his response, the Administrator expressed his opinion regarding contributions to global warming and called for more debate, review, and analysis as a precursor to any future EPA policy decision on the matter," the Scientific Integrity Review Panel said. "This expression of opinion, which was not made in a decisional context, is fully within the protections of EPA's Scientific Integrity Policy and does not violate that Policy. We also note that, in his remarks, the Administrator did not suppress or alter Agency scientific findings."

The EPA panel went further in refuting the Sierra Club's interpretation of the Scientific Integrity Policy. The liberal environmentalist group had branded Pruitt a "climate denier" in its complaint.

"Expressing an opinion about science is not a violation of the EPA Scientific Integrity Policy," the EPA panel said. "Indeed, the Scientific Integrity Policy—in the spirit of promoting vigorous debate and inquiry—specifically encourages employees to express their opinion should the employee disagree with scientific data, scientific interpretations, or scientific conclusions."

The Sierra Club did not immediately respond to a request for comment.

The group's complaint was spurred by an interview Pruitt gave to CNBC, where he was asked, "Do you believe that it's been proven that carbon dioxide is the primary control knob for climate?"

Pruitt responded: "No. I think that measuring with precision human activity on the climate is something very challenging to do and there's tremendous disagreement about the degree of impact. So no, I would not agree that it's a primary contributor to the global warming that we see. But we don't know that yet... We need to continue the debate and continue the review and the analysis."

The letter was signed by Dr. Sinks, and sent to Elena Saxonhouse, a senior attorney for the Sierra Club, and Joanne Spalding, the group's chief climate counsel.

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From: CommercialLawWebAdvisor
Sent: Wed 11/15/2017 1:08:08 PM
Subject: The Attorney-Client Privilege: Beyond the Basics.

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The Attorney-Client Privilege: Beyond the Basics

**Attorney-client privilege is more complicated than it appears,
and failure to know the rules can have disastrous results.**

While the attorney-client privilege is one of the most recognizable legal doctrines in the United States, its scope, applicability and limitations often go unappreciated. Likewise, there are a number of myths related to the privilege on which many attorneys misguidedly rely every day.

Can you answer these questions?

- What communications actually are privileged?
- Who is the "client" when a business entity is involved?
- What special considerations are there if the attorney is in-house counsel?
- When will a third-party's presence destroy or not destroy the privilege?
- What happens to the privilege if a company is sold?

Your understanding of the nuanced answers to these and other questions is essential to properly analyzing whether the privilege will apply in dozens of real-life situations that arise every day. Conversely, not having an in-depth understanding of the privilege can lead to some surprising, anomalous and dangerous results.

Please join Shepard Davidson, a partner in the Business Litigation Department of Burns & Levinson LLP in Boston and a litigator with over 22 years of experience, for a fast-paced discussion of the attorney-client privilege that will go well beyond the basics.

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| Date: | December 12, 2017, 1 PM Eastern. |
| Duration: | Scheduled for 90 minutes including question and answer session. |
| Price: | \$299.00 webinar; \$349.00 CD or Download; \$399.00 webinar + CD or Download. Each live option may be viewed by unlimited attendees from the same connection, or additional unique |

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| CLE: | View your state's CLE credit guidelines here . |
| Presenter: | Shepard Davidson, attorney at law. |
| Who Should Attend? | Corporate counsel, in-house counsel, general practice attorneys. |

WHAT YOU'LL LEARN

We will address, among other things:

- When the presence of experts or other non-attorneys will or will not destroy the privilege.
- How the attorney-client privilege applies when the client is a corporation or other organization.
- How the privilege applies when the attorney is in-house counsel.
- What happens to the privilege when the client dies, ceases to exist or is sold.
- What risks a party may run by *invoking* the attorney-client privilege.
- AND MUCH MORE!

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YOUR CONFERENCE LEADER

Your conference leader for **The Attorney-Client Privilege: Beyond the Basics** is Shepard Davidson. Shep is a partner in the Business Litigation Department of Burns & Levinson in Boston, MA. He also is co-publisher of [*The In-House Advisor*](#), a blog designed to provide in-house counsel (as well as CEOs, CFOs and other C-Level decision makers) with practical, helpful and thoughtful advice on a variety of legal issues that often arise with businesses. Shep concentrates his practice in the areas of complex business torts, contract claims, real estate disputes, and employment disputes. Shep has extensive experience in virtually all phases of civil litigation. He has tried cases in the Massachusetts Superior and District Courts, as well as the Federal District Court. He also has argued before the Massachusetts Appeals Court and Supreme Judicial Court, and has represented clients in numerous mediations and arbitrations.

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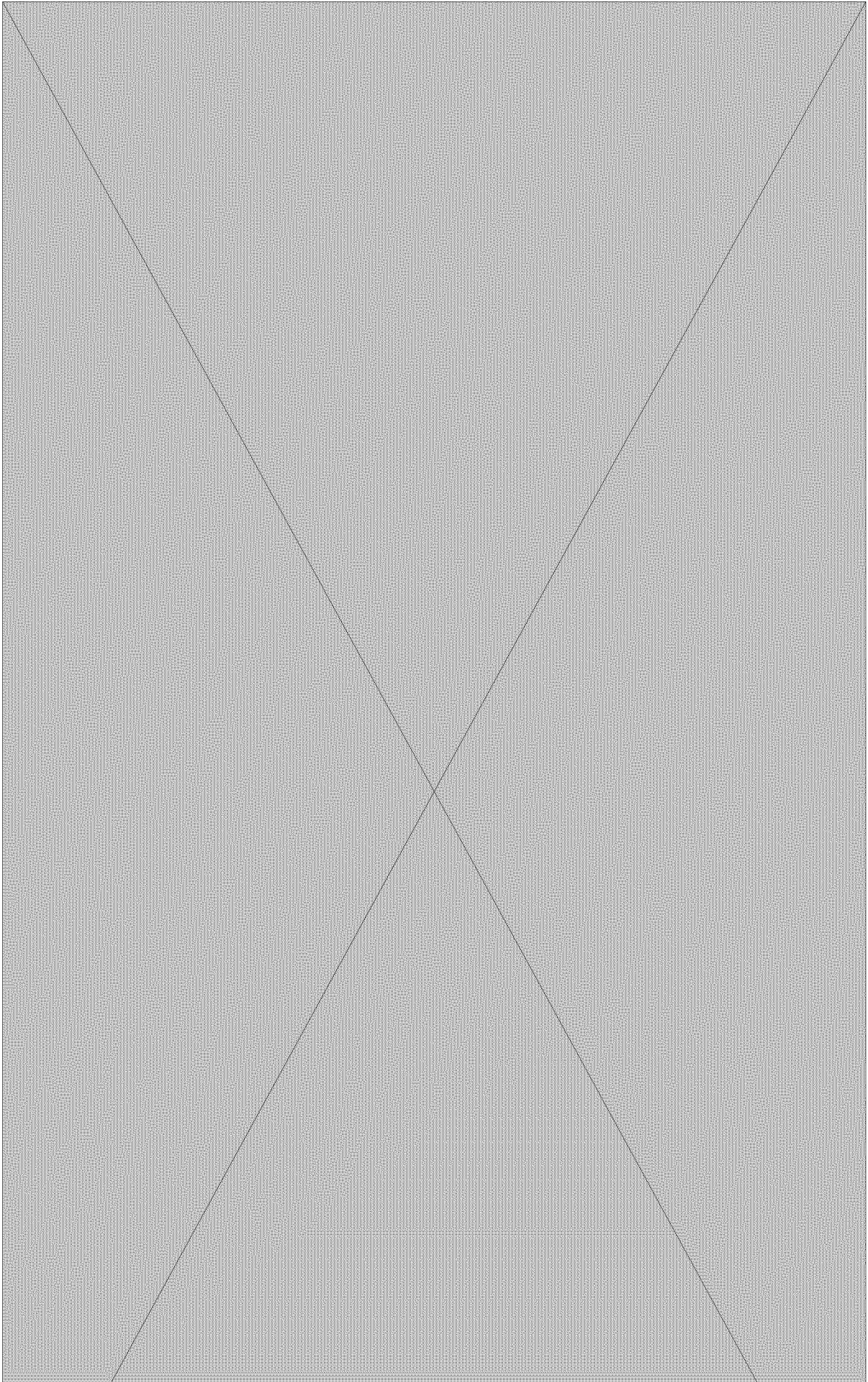
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Wed 12/6/2017 4:58:48 PM
Subject: Power Your Next Advocacy Campaign With Custom Data

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Approval Queue
Sent: Mon 8/21/2017 7:30:23 PM
Subject: Your request 'Trip from Washington to San Francisco' was approved.

Your request 'Trip from Washington to San Francisco' was approved.

Approved on 2017, August 21, Monday at 03:30 pm Eastern Time by: MARDIKO ELLISON
Comments:

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Fri 7/28/2017 1:01:33 PM
Subject: Morning Consult Washington: Russia Orders U.S. to Reduce Diplomatic Staff After Senate Passes Sanctions Bill

[REDACTED]

[REDACTED]

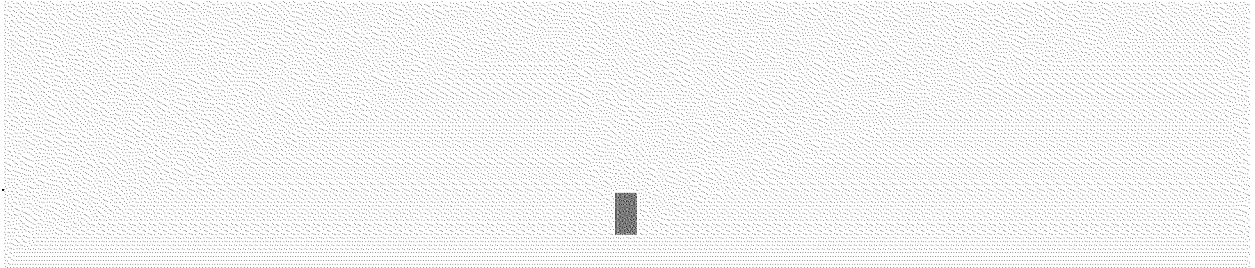
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[REDACTED]



To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Tue 10/3/2017 7:15:01 PM
Subject: EPA Launches Smart Sectors Program

CONTACT: press@epa.gov

EPA Launches Smart Sectors Program
A Program to Engage American Businesses to Achieve Better Environmental Outcomes

WASHINGTON (October 3, 2017) — Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt announced the launch of Smart Sectors, a partnership program between the Agency and regulated sectors focused on achieving better environmental outcomes. A sector-based, collaborative approach provides a significant opportunity for EPA to consider more forward-thinking ways to protect the environment.

“When we consider American business as a partner, as opposed to an adversary, we can achieve better environmental outcomes,” said **EPA Administrator Scott Pruitt**. “The Smart Sectors program is designed to effectively engage business partners throughout the regulatory process. The previous administration created a narrative that you can’t be pro-business and pro-environment. This program is one of the many ways we can address that false choice and work together to protect the environment. When industries and regulators better understand each other, the economy, public, and the environment all benefit.”

A sector-based approach can provide benefits, such as: increased long-term certainty and predictability, creative solutions based on sound data; and, more sensible policies to improve environmental protection. Program leads for each sector will serve as ombudsmen within the Agency across program and regional offices. Staff will also: conduct educational site tours, host roundtables with EPA leadership, analyze data and advise about options for environmental improvement; maintain open dialogue with business partners and their environmental committees; and, develop reports that profile the impact of each sector on the environment and the economy.

Smart Sectors aims to facilitate better communication and streamline operations internally at EPA. The program is located in the Office of Policy’s Immediate Office, which enables the sector leads to work across EPA’s land, water, air, and chemical program offices, as well as with environmental justice, enforcement and compliance assistance, and other offices, including EPA regional offices.

View Smart Sectors Federal Register Notice [here](#).

EPA’s Associate Administrator for the Office of Policy, Samantha Dravis, and EPA’s Chief of Operations, Henry Darwin, announced the launch at EPA Headquarters on Tuesday, October 3rd, and were joined by representatives from across the American economy, including: Aerospace, Agriculture, Automotive, Cement and Concrete, Chemical Manufacturing, Construction, Electronics and Technology, Forestry and Wood Products, Iron and Steel, Mining, Oil and Gas, Ports and Marine, and Utilities and Power Generation.

“The auto industry is living through what may be its most dynamic moment in history,” said **Mitch Bainwol, president and CEO of the Alliance of Automobile Manufacturers**. “Our technology is transforming the driving experience and mobility models, offering more fuel efficient and safer

transportation for all. We are breaking ground on new plants and expanding existing plants to build the most innovative vehicles in the world. And as we innovate and produce, we are a vital – if not the vital - catalyst for the American economy, providing millions of jobs from coast to coast – building, selling and servicing the vehicles that animate our economy. The Smart Sectors Program benefits us all by providing an open and transparent dialogue on policy that is predicated on solid facts and meaningful data. Protecting the environment while supporting economic growth – these twin goals are paramount, mutually supportive, and enabled by thoughtful collaboration between government and business.”

“The Smart Sectors Program shows it’s a new day at EPA—and that’s good news for the environment and the economy,” said **Michael D. Bellaman, president and CEO of Associated Builders and Contractors**. “The nation’s construction industry welcomes the opportunity to collaborate with regulators to ensure that environmental protection is streamlined and cost effective. That’s the way government can help industry be more productive, create more jobs and grow the economy.”

“The real estate industry’s leaders are committed to sustainable building management and construction practices that tie directly to their business mission,” said **Jeffrey D. DeBoer, president and CEO of The Real Estate Roundtable**. “We look forward to participating in EPA’s Smart Sectors Program to share our industry’s perspectives on how responsible, measurable environmental stewardship can help create jobs, strengthen our economy, spur innovation, and enhance lasting value for our communities.”

“Modern agriculture is environmentally sustainable,” said **Zippy Duvall, American Farm Bureau Federation president**. “From satellite technology and data management to the use of cover crops, farmers and ranchers continue to adopt innovations that are effective in helping them grow more food with fewer resources. That’s good for the environment and good for business. EPA’s Smart Sectors Program provides a framework of welcome collaboration that embraces continued innovation aligned with our commitment to continuous improvement.”

“Manufacturers are committed to protecting the environment and the communities we serve, and we appreciate the efforts of Administrator Pruitt to work with us to jointly address current and future environmental challenges,” said **Ross Eisenberg, vice president of energy and resources policy at the National Association of Manufacturers**. “Smarter, modernized regulations are an essential ingredient in supporting manufacturing job growth here in America, so we are excited that the EPA is ringing in this year’s Manufacturing Day—when we focus on building the next generation of modern manufacturing workers—with a new EPA Smart Sectors Program. This will hopefully yield better, smarter regulations that achieve their environmental goals while empowering manufacturers to be more competitive and create more well-paying jobs in America.”

“We are very pleased that the steel industry can be a part of the Smart Sectors Program, and appreciate the work of Administrator Pruitt and his team to partner with industry to develop a more sensible regulatory framework that better protects human health and the environment,” said **Thomas J. Gibson, president and CEO of American Iron and Steel Institute**.

“The American Wood Council supports a smarter, more sensible and cost-effective regulatory process, such as the approach taken by EPA’s Smart Sectors Program,” said **Robert Glowinski, president and CEO of the American Wood Council**. “AWC represents more than 75 percent of the North American wood products industry, which provides approximately 400,000 men and women with family-wage jobs in the United States. AWC members make wood products that are essential to everyday life from a renewable resource that absorbs and sequesters carbon.”

“The oil and natural gas industry is a major economic engine supporting 10.3 million jobs, is leading

the world in the production and refining of oil and natural gas, and is a world leader in reducing carbon emissions from energy use which today are near 25-year lows,” said **Kyle Isakower, American Petroleum Institute vice president for regulatory and economic policy**. “We welcome this new partnership and look forward to working with the Agency on this program to ensure that industry is doing all it can to protect the environment and support economic growth.”

“We’re grateful Administrator Pruitt invited the American Coalition for Ethanol (ACE) to participate in this Smart Sectors Program,” said **Brian Jennings, ACE executive vice president**. “The biofuels industry is essential to growing the rural economy and protecting the environment.”

“America’s cement manufacturers have a strong track record of finding creative ways to reduce their environmental footprint while producing the high-quality material our economy needs for building everything from homes to highways and hospitals,” said **Todd Johnston, Portland Cement Association executive vice president**. “We look forward to working with EPA and the Administration to protect health and the environment while reducing unnecessary regulatory burdens that undermine economic growth.”

“Community-owned, not-for-profit electric utilities exist to safely provide reliable, low-cost electricity to more than 49 million Americans, while protecting the environment,” said **Sue Kelly, American Public Power Association president and CEO**. “We very much appreciate the EPA’s invitation to participate in the Smart Sectors Program, and look forward to a productive dialogue.”

“The paper and wood products industry faces enormous challenges from costly, complex and vast amounts of regulations that hurt our ability to contribute to economic growth and job creation,” said **Mark Kowlzan, chairman and CEO, Packaging Corporation of America and immediate past chairman of the American Forest & Paper Association Board of Directors**. “We’re pleased to participate in the Smart Sectors Program to achieve common-sense regulatory approaches that protect the environment and allow industry to compete at home and around the globe.”

“We are thrilled to be part of the EPA’s launch of its Smart Sectors Program and are proud to represent an industry that’s always first in line when it comes to partnering with EPA to improve its processes and benefits,” said **John McKnight, senior vice president of government relations for the National Marine Manufacturers Association**. “The recreational boating industry is unique in that while the EPA, the State of California, and many international environmental government agencies place stringent environmental requirements on our products, our customers—the 142 million Americans who went boating last year—also demand and expect clean water and a healthy environment in which to fish, swim, and enjoy watersports. As a treasured American pastime with 95 percent of the boats sold in the U.S., made in the U.S., an estimated 35,000 marine-related businesses, which provide approximately 650,000 jobs, and an estimated \$121 billion in economic impact, the recreational boating industry is one of our country’s driving economic engines that is eager to continue meaningful collaboration with the EPA.”

“Seaports are vital economic engines and create American jobs,” said **Kurt Nagle, American Association of Port Authorities president and CEO**. “Seaport cargo activity accounts for over a quarter of the U.S. economy, supports the employment of more than 23 million people in the United States, and generates over \$320 billion in tax revenue annually. AAPA is excited to partner with the U.S. Environmental Protection Agency on the Smart Sectors Program. Improved communication between industry and EPA can streamline processes for all parties, achieving better environmental results and clearer goals and outcomes. The U.S. port industry looks forward to being part of an ongoing dialogue with EPA that furthers ports’ commitment to their roles as stewards of coastal resources.”

“We welcome the opportunity to explain how long-term, capital-intensive operations like ours – which

require regulatory predictability – can be carefully aligned with important Agency objectives for ensuring health and environmental protection,” said **Hal Quinn, president and CEO of the National Mining Association**. “Regulatory policies will be more effective when they are informed by actual conditions in regulated sectors.”

“Forest Resources Association serves the whole supply chain from the woods to the mill,” said **Ryan Rhodes, director of public relations and government affairs**. “The forest products supply chain supports 2.4 million jobs and is dedicated to the sustainability of forest land through conservation and best practices. We look forward to working together to promote a smarter regulatory outcome, which promotes both jobs and environmental stewardship.”

“Finding a way to combine a deep knowledge of how to protect the environment with an understanding of how construction firms operate is the most effective way to craft programs and policies that deliver significant environmental protections to commercial construction sites,” said **Stephen E. Sandherr, the chief executive officer of the Associated General Contractors of America**. “The Administrator clearly understands that firms will be able to do more to protect the environment if the regulations they must follow are crafted with an understanding of how employers operate.”

“The Smart Sectors Program holds great promise to enable the technology industry to drive environmental protection and economic growth,” said **Gary Shapiro, Consumer Technology Association president and CEO**. “Improved dialogue and collaboration between industry and the EPA at the earliest stages will ideally lead to fewer onerous rules that handcuff innovation and job creation. Working together, we can unleash our nation’s tech sector to help improve environmental performance and increase sustainability across multiple industries.”

“CropLife America is excited to collaborate with EPA and other stakeholders to ensure agriculture-related regulations allow the U.S. food system to advance as well as feed the rising population,” said **Jay Vroom, president and CEO of CropLife America**. “Additionally, we believe that through the Smart Sectors Program and developing productive relationships with the Agency and industry partners, we can successfully create the best approach to supporting both economic growth and advance innovation in agriculture, while protecting the environment.”

“ACC appreciates Administrator Pruitt’s actions to foster a more productive relationship between our industry and the Agency through the Smart Sectors Program, which will help support economic growth in ways that protect our environment,” said **Michael Walls, vice president of regulatory and technical affairs for the American Chemistry Council**. “This program is an opportunity to have a more open and constructive dialogue about how the chemistry industry can continue to fuel the economy through innovation while working with EPA to make American businesses, homes and consumer products more efficient, environmentally friendly and sustainable.”

For more information, visit www.epa.gov/smartsectors

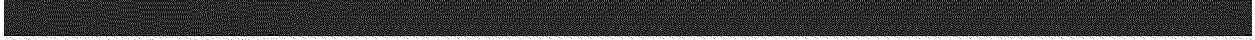
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From: Morning Consult
Sent: Sun 8/6/2017 1:01:31 PM
Subject: Morning Consult Washington, Presented by the Electronic Payments Coalition: Week in Review & What's Ahead

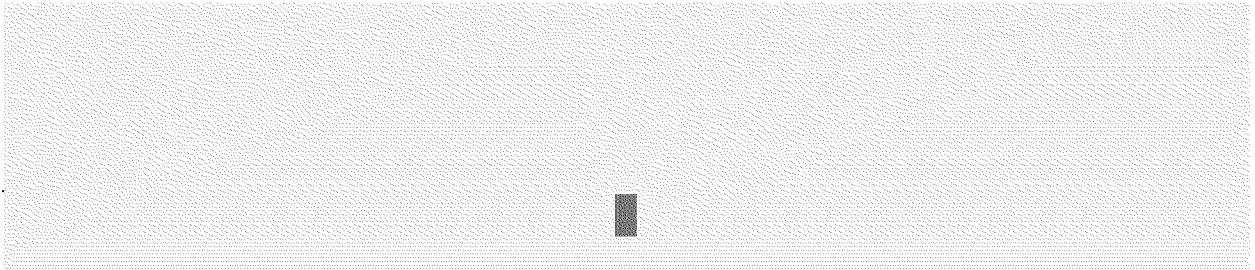
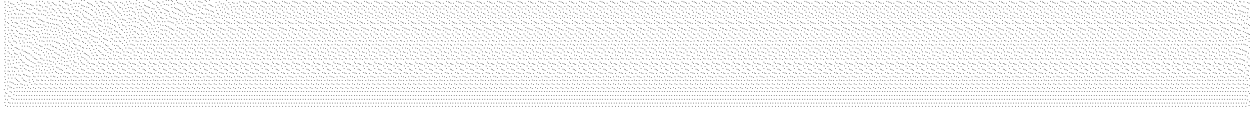


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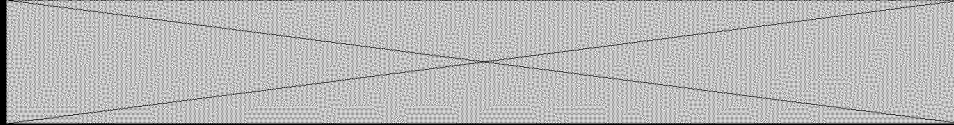


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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: CommercialLawWebAdvisor
Sent: Fri 7/28/2017 12:12:45 PM
Subject: September Webinars Now Available!



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SEPTEMBER WEBINARS NOW AVAILABLE!

How to Conduct a Workplace Investigation: Reduce Employer Risks

September 6, 2017 @ 1 PM (ET)

The normal disciplinary process requires an employer to conduct a fair and thorough investigation before disciplining an employee. How the investigation is conducted often becomes the object of legal challenge and possible personal liability for the investigator. Further, the NLRB's recent confidentiality rules represent an additional requirement which employers must now add to their list of the do's and don'ts they need to be aware of when conducting an investigation. Please join us as we take you through the steps for conducting a thorough and lawful workplace investigation that helps you to decide if a disciplinary action is even warranted.

Doing Business in China: Structuring Your Deal and Protecting Intellectual Property

September 7, 2017 @ 1 PM (ET)

Companies often cannot afford not to do business in China. Whether producing goods there or selling to the Chinese market, companies that engage in business with Chinese partners need up-to-date legal advice on how to protect their technology and other intellectual property (IP) interests from being counterfeited, pirated, or otherwise misappropriated. Please join us as we explore the nuts and bolts of constructing a good business deal with a Chinese partner, what your agreements should include, and how to manage the Chinese IP rights framework to minimize your client's IP-related risks.

Indemnifications: Problems and Pitfalls, Advantages and Solutions

September 12, 2017 @ 1 PM (ET)

"Indemnity," quite simply, means a legal duty to make good on any loss, damage or liability incurred by someone else. Effectively, when you or your client assumes an indemnification obligation, the risk shifts from the other party directly onto you or your client's back. It's no exaggeration to state that they are the most common deal breakers in contract negotiations and the most hotly contested clauses when the contract goes south and winds up in litigation.

Please join as we delve deep into the risk-management thicket of indemnities, other limitations on liability, and related considerations.

The War Against Fiduciaries: A Growing Trend in Trust & Estate Litigation

September 13, 2017 @ 1 PM (ET)

Since the financial crisis, trust and estate litigation has increased at an alarming rate. The most common targets in these lawsuits are the fiduciaries tasked with maintaining and distributing the trust and estate assets, with many lawsuits contending that fiduciaries are unable to effectively manage the complex trust and estate matters for which they are responsible. Further, plaintiffs can cast a wide net when it comes to individual liability exposure, meaning that any or all of the involved trustees, managers, employers, and even those who may have decided to transfer fiduciary duties to a third party are at risk. This webinar explores the different parties who are charged with a fiduciary duty, the duties and obligations of these fiduciaries, and the tools fiduciaries need to prepare for and fight on this growing battlefield.

The Art and Science of Asking Questions

September 14, 2017 @ 1 PM (ET)

Investigators—especially litigators and trial lawyers—know the importance of asking the right question to a client, a witness, and even a judge. Lawyers are professional investigators because they are paid to investigate by asking questions of witnesses and sources. This webinar offers specific and practical methods and techniques to improve questioning skills. The methods and techniques taught in this session will help you with client and witness interviews, depositions, and questioning trial witnesses or any other situation where you must efficiently and effectively gather facts or extract admissions through questioning.

Accounting, Financials and Deal Making for Lawyers: Speaking the Language of Business (Three-Session Series)

Three Session Series: September 19, 2017 @ 1 PM (ET), October 3, 2017 @ 1 PM and October 17, 2017 @ 1 PM (ET)

Business leaders often become frustrated with lawyers, whether in-house or external, for not having the ability to be conversant in basic business terms or understanding the financial data on which so many business decisions are made. Attorneys often do not have a working knowledge of the numbers backing those decisions, how those figures were reached, and how to accurately interpret and discuss them.

In these three sessions, you will learn accounting terms important to the lawyer; how to read and interpret a financial statement, business terms and other jargon to help you converse with the CFO and other executives in their language; and how to use these critical skills when negotiating a contract, M&A deal, or other agreement.

Speaking the Business Lingo: Introduction to Accounting for Lawyers

September 19, 2017 @ 1 PM (ET)

This webinar provides the meaning for common terms found in the business environment such as GAAP, balance sheet, assets, and liabilities, and will also provide some resources and suggestions for understanding the client's needs when faced with discussions on these issues. The session will leave the participants with a working understanding of the importance of accounting knowledge and enhance their ability to have a business discussion.

Keys to Successful Contract Drafting: Four-Session Series on Crafting an Agreement That Protects Your

Interests Now and When Something Goes Wrong

Four Session Series: September 26, 2017 @ 1 PM (ET), October 10, 2017 @ 1 PM (ET), October 17, 2017 @ 1 PM (ET), and October 31, 2017 @ 1 PM (ET)

Most business relationships are memorialized by a written contract. Extreme care must be exercised to ensure that what appears on the printed page accurately reflects the wishes of the parties and provides sufficient safeguards for your client should an issue arise. This four-part series covers the common characteristics of many contracts and issues to consider when drafting your agreement to help you ensure that what appears in the written document reflects your client's needs should something go wrong.

The Foundation of Contract Drafting: The Devil Is in the Details

September 26, 2017 @ 1 PM (ET)

Experienced attorneys know that a well-drafted contract can serve to define the parties' relationship in an agreement in order to avoid conflicts down the road and as the vehicle for conflict resolution when things go south. Ambiguities, omissions and inconsistencies can doom the relationship and complicate any subsequent conflicts. Please join us as we discuss the core principles that should appear in any well-drafted contract to help ensure that the parties' relationship on paper is well-defined and includes the proper safeguards to protect your client's interests.

AUGUST WEBINARS STILL AVAILABLE!

The Attorney-Client Privilege: Beyond the Basics

August 8, 2017 @ 1 PM (ET)

While the attorney-client privilege is one of the most recognizable legal doctrines in the United States, its scope, applicability and limitations often go unappreciated. Likewise, there are a number of myths related to the privilege on which many attorneys misguidedly rely every day. What communications actually are privileged? Who is the "client" when a business entity is involved? What special considerations are there if the attorney is in-house counsel? When will a third-party's presence destroy or not destroy the privilege? What happens to the privilege if a company is sold? Join us for a fast-paced discussion of the attorney-client privilege that will go well beyond the basics.

Exempt or Non-Exempt Worker Classification: What the FLSA Requires

August 15, 2017 @ 1 PM (ET)

The Department of Labor (DOL) continues its aggressive crackdown on employers for improper classification of workers as exempt when the employee is actually non-exempt under the Fair Labor Standards Act (FLSA). The risk to employers from getting the exempt versus non-exempt classification decision wrong is not only from the DOL, but also from possible employee litigation. Properly determining who qualifies for overtime pay and who doesn't, however, is more complicated than it appears. Please join us as we show you step-by-step how to determine when an employee is exempt or non-exempt based on FLSA requirements.

FLSA Compensable & Overtime Rules: FLSA Requirements

August 17, 2017 @ 1 PM (ET)

What qualifies as compensable time? The FLSA is clear on this, but oftentimes employers aren't. Getting it wrong can be costly in terms of potential fines and possible litigation. Please join us as we explain the compensable and overtime rules step-by-step, give examples of the problems employers face, and offer practical solutions that will keep you in compliance with the FLSA overtime and compensable time requirements.

Attorneys and Privacy: Understanding Your Obligations and Professional Responsibility, Including Email and Electronic Communications

August 17, 2017 @ 1 PM (ET)

The Model Rules of Professional Conduct changed in the last few years to take a more proactive approach to privacy obligations for lawyers. This webinar provides an overview of the relevant rules of professional conduct and the changes that have recently been implemented to address the intersection of technology and effective representation. We apply these rules to areas including use of the cloud, encryption of emails, use of public Wi-Fi, and other applications. The session will leave the participants with a better understanding of the importance of taking preventive measures to minimize their exposures to ransomware attacks and hacking.

[See a full list of upcoming webinars.](#)

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 8/1/2017 7:10:20 PM
Subject: EPA OKs Flint drinking water loan forgiveness

By Annie Snider

08/01/2017 03:06 PM EDT

Flint city officials will not have to repay \$21 million they borrowed from a federally funded account to upgrade drinking water infrastructure following its year-and-a-half-long lead contamination crisis, EPA said today.

The move to forgive the beleaguered city's Drinking Water State Revolving Fund debt came at the request of Michigan GOP Gov. Rick Snyder.

"Forgiving Flint's past debt will better protect public health and reduce the costs associated with maintaining the city's water system over time," EPA Administrator Scott Pruitt said in a statement. "Rebuilding our nation's infrastructure is one of the President's top priorities, and EPA is especially focused on those communities, like Flint, that need it the most."

In December, Congress approved a \$100 million aid package to help the city replace lead service lines and upgrade its aging infrastructure. The measure also included funding to create a health registry of residents exposed to dangerous levels of lead in the water supply. Grants related to that registry were also awarded by the Department of Health and Human Services today.

WHAT'S NEXT: The city of Flint is continuing its program of lead service line replacement and the loan forgiveness will help free up funds for that effort and other upgrades.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/08/epa-oks-flint-drinking-water-loan-forgiveness-091361>

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Subject: The Morning Headlines from InsideEPA.com -- July 5, 2017

The critical environmental policy-making news you need as you begin your day

July 5, 2017

Latest News

D.C. Circuit Vacates EPA Methane Rule Stay Over Flaws In Reconsideration

The U.S. Court of Appeals for the District of Columbia Circuit in a split opinion has vacated EPA's administrative stay of several key requirements in an Obama-era rule setting limits on the potent greenhouse gas methane from new oil and gas equipment, finding major flaws in how the Trump EPA paused the provisions to reconsider them.

House GOP Bills Aim To Achieve Industry's Renewed Bid To Overhaul NSR

House Republicans have introduced two bills that would relax several Clean Air Act new source review (NSR) permitting requirements, which could help industry groups achieve some of the NSR overhauls that they have urged EPA to make as part of its ongoing regulatory review initiative weighing revisions to agency policies.

Eyeing January Proposal, EPA Pushes Ahead With Aircraft GHG Standards

EPA is pushing ahead with developing greenhouse gas standards for new aircraft engines consistent with a global pact on reducing aircraft GHGs, a move that runs counter to the administration's many efforts to roll back energy-sector GHG rules and ultimately could make it more difficult for Trump officials to target EPA's GHG endangerment finding.

DOJ Asks Court To Uphold Denial Of Citizens' Intervention In Cleanup Pact

The Justice Department (DOJ) is asking a federal district court to uphold a magistrate judge's order rejecting citizens' attempt to intervene in a cost recovery cleanup settlement at a high-profile Superfund site in Indiana, arguing such a reversal would allow for hundreds of different "starting times" for challenges to cleanups at residential sites.

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562-8992 or sreilly@iwpnews.com.

Daily Feed

House GOP seeks clarity on Pruitt's 'sue and settle' directive

House Republicans are asking EPA Administrator to clarify his recent comments about issuing a “directive” to limit the agency “ruling by consent order.”

D.C. Circuit grants unions role in RMP delay suit

A federal appeals court has granted labor unions' bid to intervene in litigation over the Trump EPA's almost two-year delay of Obama-era revisions to the Risk Management Plan Program.

EPA seeks continued abeyance of CPP suits

EPA submitted court-ordered status reports providing updates on its review of the Clean Power Plan and related new source rule, as the 60-day abeyance period imposed by the court in April expires.

Senate panel postpones EPA enforcement nominee's confirmation vote

Bodine is expected to face Democratic opposition but two bills that will also be considered at the business meeting are likely to win broad bipartisan support.

California high court upholds GHG auction ruling

While the ruling is a win for GHG rule supporters, officials and legislators are still grappling with how to overhaul the state's cap-and-trade program when its expires in 2020.

Ewire: Democrats ready bills to block EPA overhaul

Democrats ready a bill that prohibits any EPA office from being “closed, consolidated, or eliminated” using appropriated funds. Plus, local residents slam EPA's Hudson cleanup decision and Trump officials draw criticisms.

NAHB faults EPA stormwater permit's 'retention' mandates

The National Association of Home Builders' suit over EPA's stormwater permit for New Hampshire will challenge the agency's power to mandate on-site retention.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Wed 8/30/2017 8:04:16 PM
Subject: Administrator Scott Pruitt Statement on President Trump's Tax Reform Proposal

Contact Information: press@epa.gov

Administrator Scott Pruitt Statement on President Trump's Tax Reform Proposal

WASHINGTON (August 30, 2017) – U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt today released the following statement on President Trump's tax reform proposal:

"President Trump is leading the fight for tax reform that will benefit all Americans. At EPA, we have worked to promote regulatory certainty that will help create jobs and produce a cleaner environment. This goes hand in hand with the President's plan to create a tax system that will provide clarity and restore fairness for a more prosperous America."

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 12/6/2017 4:16:51 PM
Subject: EPA watchdog to examine Pruitt's meeting with mining group

By Anthony Adragna

12/06/2017 11:15 AM EDT

The EPA's inspector general has agreed to establish a "factual record" about a meeting Administrator Scott Pruitt held with the National Mining Association that could be used to determine whether he violated anti-lobbying laws.

In its response released today, the inspector general cautioned that due to "numerous other pending projects" it is "not sure when we can begin this engagement." The letter said the inspector general's findings would be used by the Government Accountability Office in its own probe into Pruitt's actions.

House Energy and Commerce ranking member Frank Pallone made the request to EPA's inspector general in a late September letter. That came after POLITICO first reported NMA would support pulling out of the Paris climate agreement after meeting with Pruitt personally.

What's next: The inspector general's "factual record" will be used by the GAO in its own probe into Pruitt's actions, though it's unclear when the IG can begin its work.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/12/epa-watchdog-to-examine-pruitts-meeting-with-mining-group-205686>

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Sent: Fri 12/1/2017 11:00:04 PM
Subject: EPA Determines Risks from Hardrock Mining Industry Minimal and No Need for Additional Federal Requirements

EPA Determines Risks from Hardrock Mining Industry Minimal and No Need for Additional Federal Requirements

WASHINGTON (December 1, 2017) – Today the U.S. Environmental Protection Agency (EPA) announced that the Agency will not issue final regulations for financial responsibility requirements for certain hardrock mining facilities.

“After careful analysis of public comments, the statutory authority, and the record for this rulemaking, EPA is confident that modern industry practices, along with existing state and federal requirements address risks from operating hardrock mining facilities,” **said EPA Administrator Scott Pruitt.** “Additional financial assurance requirements are unnecessary and would impose an undue burden on this important sector of the American economy and rural America, where most of these mining jobs are based.”

EPA published proposed regulations under section 108(b) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, or Superfund) on January 11, 2017, and the public comment period closed on July 11, 2017. EPA has decided not to issue final regulations because the risks associated with these facilities’ operations are addressed by existing federal and state programs and industry practices. EPA was under a court-ordered deadline to take final action on this rulemaking by December 1, 2017. The decision not to issue final rules under CERCLA section 108(b) will be published in the Federal Register.

EPA has analyzed the need for financial responsibility requirements under CERCLA section 108(b) based on the degree and duration of risk associated with the production, transportation, treatment, storage, and disposal of hazardous substances from current hardrock mining operations, as well the risk of taxpayer funded cleanups at facilities operating under modern management practices and modern environmental regulations. That risk is identified by examining: the management of hazardous substances at such facilities; federal and state regulatory controls on that management and federal and state financial responsibility requirements; and, the payment experience of the Fund in responding to releases.

EPA concluded the degree and duration of risk associated with the modern production, transportation, treatment, storage or disposal of hazardous substances by the hardrock mining industry does not present a level of risk of taxpayer funded response actions that warrant imposition of financial responsibility requirements under CERCLA for this sector. This determination reflects EPA’s interpretation of the statute, EPA’s evaluation of the record for the proposed rule, and the approximately 11,000 public comments received by EPA on this rulemaking.

State mining and environmental regulators, as well as other federal agencies and the regulated community and financial sectors, commented that the proposed requirements would potentially interfere with state and local mining regulations, were unnecessary, and would be difficult to implement. This decision does not in any way affect EPA’s authority to take appropriate response actions under CERCLA.

"I urged then President-elect Trump to stop the EPA's overreach into state regulation harming Montana businesses," said **U.S. Senate Western Caucus Chairman Steve Daines (R-MT)**.

"Instead of threatening the very industries that are a backbone of our Western economies, we need to support American families and American businesses to secure our mineral and energy independence. I am pleased the EPA has taken action."

"I am grateful for Administrator Pruitt's leadership in eliminating this costly, duplicative, and job-killing rule," said **Arizona Governor Doug Ducey**. "Arizona already has financial responsibility protections in place for hardrock mines and does not need a duplicative federal program that will unnecessarily burden a key Arizona industry."

"I am thankful that the EPA and Administrator Pruitt have decided to reject the proposed CERCLA rule," said **Idaho Governor Butch Otter**. "This is another victory for returning power to the states."

"The pending CERCLA 108(b) rulemaking has been at the top of my agenda," said **Nevada Governor Brian Sandoval**. "The success of Nevada's robust mine bonding program protects public safety and our environment and ensures our critical mining industry can operate with certainty. I applaud the EPA for their thoughtful approach and thorough review of the proposed rule, for seeking comments from a diverse set of stakeholders and ultimately, for making the right decision. Today's action by the Administrator recognizes the reality that the states have been capably regulating mine bonding without interference from Washington and should be allowed to continue to do so."

"States have developed comprehensive financial responsibility programs for hardrock mining in the 30 years since the passage of CERCLA 108(b)(1)," said **Jim Ogsbury, executive director of the bipartisan Western Governors' Association**. "These programs require operators to comply with state regulations, implement reclamation and post-closure plans, and post financial assurance to minimize risks to public health and the environment. Western Governors appreciate EPA's decision regarding its proposed financial assurance requirements under CERCLA 108(b), which would have duplicated or supplanted existing and proven state financial assurance regulations."

"EPA's actions to rescind the CERCLA 108(b) financial assurance rule is another positive step by EPA in eliminating redundant regulations and recognizing the importance of cooperative federalism," said **Todd Parfitt, director of Wyoming Department of Environmental Quality**.

A pre-publication version of this action may be viewed at: <https://www.epa.gov/superfund/proposed-rule-financial-responsibility-requirements-under-cercla-section-108b-classes>

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Sent: Wed 7/5/2017 11:03:16 AM
Subject: CEO Report: Take two on Obamacare repeal — Speaking of tax reform — A G-20 showdown — Debt limit update

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07/05/2017 07:00 AM EDT

By ALEX WEPRIN (aweprin@politico.com; [@alexweprin](https://twitter.com/alexweprin))

Welcome to the July edition of the CEO Report, POLITICO Pro's high-level outlook on the policy issues driving the month ... and beyond.

Take two on Obamacare repeal: Senate leaders will take another run this month at passing their health care bill that dismantles parts of Obamacare and cuts Medicaid, Pro Health Care's Jason Millman reports. Deep divisions within the GOP ranks forced Majority Leader [Mitch McConnell](#) to scrap a vote before the July Fourth recess. Leaders are reworking their bill to find the magic formula that will unite enough conservatives, who want a fuller repeal of Obamacare, and moderates, who oppose deep cuts to Medicaid. McConnell can't afford to lose more than two GOP votes to fulfill the party's long-term pledge to repeal Obamacare, and if the effort fails, moderate Republican senators may push for a bipartisan compromise that fixes the 2010 health care law instead of replacing it. House Republicans and the Trump administration are also likely to keep testing other ways to weaken the law and its mandates.

Passing the repeal bill is all the more important for Republican leaders, as it will directly affect their efforts to implement tax reform this year.

Speaking of tax reform: Two more tax reform hearings are scheduled for this month, according to House Ways and Means Chairman [Kevin Brady](#) (R-Texas). One will focus on how to benefit small businesses through tax code changes. The other will examine how individuals and families can get a boost from other revisions in tax law, including lawmakers' goal of making it simpler and easier to file personal taxes, Pro Tax's Aaron Lorenzo reports.

Brady didn't announce exact dates when he previewed the hearings, nor did he specify whether the full committee or its Tax Policy Subcommittee would hold the hearings.

The hearings come amid concerns that the timeline for tax reform is slipping further as Republicans continue to struggle with Obamacare. They are also squabbling over the budget they plan to use to pass tax reform.

"I'd like to get to tax reform, because that's something that could really benefit our country," Senate Finance Chairman [Orrin Hatch](#) (R-Utah) told reporters. "The longer [health care] goes on, the more difficult it's going to be to do true tax reform."

TRADE

coalescing around a tailored approach that would target imports from individual countries rather than taking across-the-board measures.

The two reports, should they recommend use of import restrictions, are sure to be met with criticism from U.S. business groups and close international allies. Business groups have warned that broad restrictions could backfire by hurting industries that rely on such materials while also opening the U.S. up to retaliation. President Donald Trump has 90 days to decide on a course of action after receiving the reports.

A G-20 showdown: Trade is slated to be at the forefront of the agenda when Trump heads to Hamburg, Germany, early this month for the G-20 meeting. European leaders began gathering in late June to prepare a united front, and vow to challenge Trump on trade and the debate over climate change. German Chancellor Angela Merkel, who will host the two-day summit, has promised a focus on "rules-based, fair and multilateral trade," while new French President Emmanuel Macron has pledged to address any member state that questions free trade.

NAFTA strategy, at last : Around July 16, the administration also will be sending Congress a detailed list of negotiating objectives it will take into the upcoming renegotiation of NAFTA. The report, required under Trade Promotion Authority, will be the clearest outline to date of the White House's goals for a renegotiation that has been promised and hyped but rarely talked about in specific policy terms.

What becomes of the China dialogue? Also at mid-month, the White House is expected to wrap up its 100-day trade initiative with China. The comprehensive dialogue was launched in early April during Chinese President Xi Jinping's warm and fuzzy first encounter with Trump at the Mar-a-Lago resort. The administration's goal has been a plan to reduce the U.S. trade deficit with China. It's proven to be a boon for the U.S. beef industry. But officials have said Trump appears to be growing frustrated with Beijing of late, and any trade-related action to come out of the Section 232 review is likely to target China's steel exports. — *Megan Cassella*

BUDGET & APPROPRIATIONS

Cutting a deal : Still without a budget resolution, GOP lawmakers will spend this month

trying to rally support for a fiscal blueprint to guide the federal funding process. Since that resolution is more than two months overdue, spending committee leaders will continue to work without knowing their funding constraints for the fiscal year that begins Oct. 1. Making do, House leaders are expected to keep readying spending measures for floor action, continuing to guess at topline numbers the budget resolution is supposed to set. But in the Senate, spending work is still moving slowly, as lawmakers in that chamber press on with hearings on funding priorities.

While the House Budget Committee has tried to strike a deal that would appease enough GOP lawmakers for the legislation to make it out of committee, centrist House Republicans are lining up to oppose a draft budget aimed at curbing entitlement spending.

Debt limit update : Besides the Sept. 30 drop-dead deadline for funding the federal government, lawmakers are eyeing the moving target for increasing the debt limit. Even though Treasury Secretary Steven Mnuchin has urged lawmakers to take action before the August recess, he has also clarified that the federal government could keep paying its bills through September. And the CBO just announced that the government is expected to run out of money to pay its debts in "early to mid-October." — *Jennifer Scholtes*

CYBERSECURITY

Taking the world hostage : In the last two months, two game-changing global cyberattacks have crippled hundreds of thousands of computer networks around the world, relying in part on software flaws originally exposed in a leak of apparent NSA hacking tools. The quick succession of bruising worldwide infections has raised questions about whether the NSA should be sitting on a pile of powerful tools that can be repurposed for nefarious ends. Top tech firms have united with civil liberties groups and digital rights advocates to call on the government to focus on alerting companies to their digital flaws, rather than building cyber weapons to exploit them.

The White House has committed to reviewing the decision-making process that determines whether the government notifies a company after it uncovers a digital defect. Trump's top cyber adviser, Rob Joyce, recently told POLITICO in a wide-ranging interview that he has launched a top-to-bottom review of that process, dubbed the Vulnerabilities Equities Process. "We've got ways to improve it," Joyce said, without putting a timeline on the review. "I think you'll see us tweak the charter and be a little more public about the activities."

While May's game-changing global malware outbreak was ultimately tied to North Korean hackers, the leading theory is that the recent attack was intended to simply wreak havoc on critical infrastructure.

Reports on reports : Federal agencies are hitting the first set of rolling deadlines for reports ordered in Trump's recent cybersecurity executive order. The executive fiat is expected to set the stage for the administration's efforts to secure porous federal networks and upgrade the country's lagging cyber defenses. The missive ordered sweeping reviews of cyber risks at every agency, as well as a report on current efforts to protect vital infrastructure like power plants and hospitals. Additionally, the government must prepare a document on building the cyber workforce, which is facing significant shortages of well-trained employees. So far, the Treasury Department has submitted its document, while the Commerce Department just completed a report on international cybersecurity priorities. The Pentagon is still working on its submission. Expect more documents to start coming in throughout the month.

Tasking a task force : House Democrats are launching an election-security task force to develop recommendations for hardening the country's election systems before Russia's cyber agents return in 2018. The new panel will hold hearings, collect data on state-level election hacks and interview election officials and cybersecurity experts. The task force's timeline is unclear, and its first meetings have not yet been set. For now, only Democrats are involved, but House Homeland Security ranking member Bennie Thompson — who is leading the panel with Rep. Robert Brady, the House Administration Committee's top Democrat — said Republicans were "absolutely welcome" to join.

Funding the cyber war: The Senate and House both appear on track to fully fund the Trump administration's \$647 million request for U.S. Cyber Command, representing a 16 percent boost from the previous year. The military's digital war division is rapidly staffing up as it moves toward a goal of reaching full operational capacity by the end of the 2018 fiscal year. — *Cory Bennett*

TECHNOLOGY

Blackburn's BROWSER Act languishes: Rep. Marsha Blackburn (R-Tenn.) is still seeking a Democratic co-sponsor (or two) for her legislation — the BROWSER Act — that would put internet service providers like Comcast and Verizon and internet services like Facebook and Google under the same set of rules when it comes to privacy. BROWSER, which was quietly introduced in May, would require opt-in consent from customers before sharing their browsing history. Blackburn's office has been having meetings with both liberal- and conservative-leaning groups to discuss the legislation and reaching out to Democratic legislative directors to ask if they want to co-sponsor. But no one's bitten yet.

Behind the scenes : Democrats seem reluctant to link up on privacy legislation with Blackburn, citing her involvement in helping roll back the FCC's broadband privacy rules via the Congressional Review Act earlier this year and their conviction that the FCC should have some role in managing online privacy, rather than keeping it strictly at the

FTC. Using the CRA to eliminate the FCC's Obama-era broadband privacy rule before it took effect sparked a firestorm of activism online and even resulted in a nasty billboard in Blackburn's district that read, "Blackburn betrayed you." Blackburn's office has said she's serious about the bill, but it's hard to see a Democrat joining her at a time when partisan bickering over net neutrality and privacy is leaving little room for negotiation. Tech companies are spooked by the bill, worried it would upend their online targeted advertising business models, while companies like Oracle and AT&T have thrown their support behind it. — *Ashley Gold*

EMPLOYMENT & IMMIGRATION

Will DOL defend the fiduciary rule? The Trump administration is defending the Labor Department's fiduciary rule in court. The Obama-era rule requires that broker dealers consider only their client's best interest — and not commissions or fees — when providing retirement advice. In February, financial service groups appealed a decision from a Texas district court judge upholding the regulation. The Trump administration filed a [brief](#) July 3 that defended most of the Obama administration's rule. Oral arguments are scheduled for July 31.

Although the financial services industry and Hill Republicans requested that Labor Secretary Alexander Acosta delay further the rule's effective date, he declined to do so, citing legal constraints under the Administrative Procedure Act. In a Wall Street Journal op-ed announcing his decision, Acosta acknowledged that "courts have upheld this rule as consistent with Congress' delegated authority" but said that "the fiduciary rule as written may not align with President Trump's deregulatory goals." In June, the Labor Department sent a request for information on the fiduciary rule to the White House OMB — the first sign that the Trump administration will at least make changes to the regulation. The request for information is expected soon.

Even though the White House ordered the Labor Department to review the fiduciary rule and Acosta appears inclined to make changes, the Trump administration is expected to defend the rule in court, in part because the case challenges the Labor Department's authority to promulgate the rule. The agency has two other options, both of which are unlikely outcomes. The Labor Department could settle the case, or it could withdraw. But if the Labor Department withdraws from the case, another party in favor of the rule, like the AARP, could intervene. — *Marianne LeVine*

FINANCIAL SERVICES

Flood warning : The House and Senate will ramp up efforts to reauthorize and overhaul the National Flood Insurance Program, which provides critical protection for millions of homeowners. Time is running out before the popular program expires in

September. The House this month is expected to vote on controversial legislation that would scale back the program over a five-year renewal period — a bill that's facing opposition from homebuilders, Realtors and a bipartisan group of lawmakers. Senate Banking Committee leaders have been crafting their own legislation, which the panel is expected to consider when Congress returns. A group of Republicans and Democrats on the committee representing coastal constituents are backing a bill that would freeze interest on the program's \$24.6 billion debt, which built up after a series of devastating hurricanes.

Yellen faces lawmakers : The Federal Reserve is not expected to raise interest rates when its policymaking committee meets this month, but all eyes will be on Janet Yellen anyway. The Fed chair will testify before the House Financial Services Committee on July 12 and the Senate Banking Committee on July 13. She's likely to face questions about the central bank's continued promises for another rate hike in 2017, as well as its plans to start shrinking its massive, \$4.5 trillion asset holdings later this year. The Federal Open Market Committee could also provide more insight on plans for its balance sheet in the release today of its minutes for last month's meeting and after its next session on July 26. The FOMC isn't seen increasing rates again until September at the earliest.

Clayton's debut : SEC Chairman Jay Clayton's views on where he wants to take the agency have been mostly a mystery since he was confirmed by the Senate in early May, except for his desire to promote more IPOs. That may change on July 12, when the former Wall Street lawyer will deliver his first speech since becoming head of the SEC, at the Economic Club of New York. Clayton is facing pressure from Republicans to act on the fiduciary rule as well as a European stock market regulation that has American asset managers up in arms. Democrats want him to preserve a rule that would force companies to disclose where they obtained "conflict minerals" to ensure they don't come from war zones in Africa and elsewhere. — *Mark McQuillan*

AGRICULTURE

Conaway's fight over farm bill funding: House Budget Chairwoman [Diane Black](#) hopes to clear a path to the floor this month for the budget resolution she has been developing, and that process will have much bearing on funding for the farm bill. A markup was put off until after the July Fourth recess as Black negotiated with committee chairmen, including House Agriculture Chairman [Mike Conaway](#), who has resisted demands for massive cuts being championed by the GOP's right flank.

Black, seeking to appease both defense hawks and Freedom Caucus members, has pushed for \$200 billion in mandatory cuts over 10 years. Conaway and more moderate Republicans have fought back, with Conaway arguing that slashing mandatory spending would make it harder to pass the next farm bill, which is due in September 2018. Conaway [said late last week](#) that he and Black had agreed to "a number" that his

committee would have to work with in fiscal 2018. But much work lies ahead for Congress on the fiscal 2018 budget — starting with the markup.

Trump under pressure to fill out Perdue's team : It took nearly every one of Trump's first 100 days to get Agriculture Secretary Sonny Perdue confirmed, and it's looking like an even longer period will be needed to install Perdue's leadership team. As Trump nears his 200-day mark (which comes in the middle of August), nominations still have not been made for deputy secretary and two undersecretary posts that will drive his reorganization of the USDA. Perdue has complained about the delay, and a coalition of 16 farm groups has said enough is enough.

Perdue recently told Senate appropriators that some key officials won't be confirmed until after Congress' monthlong August recess. The nominations could come this month, which would give the Senate a chance to make room on its busy calendar when it returns to work. Perdue has also said he's sent several names to the White House for consideration, though none of them have been disclosed. He is said to have chosen American Soybean Association CEO Stephen Censky for deputy secretary, and Iowa Agriculture Secretary Bill Northey and Indiana Agriculture Director Ted McKinney for undersecretary positions with responsibility over farm production and trade, respectively. — *Catherine Boudreau*

EDUCATION

Education Department kicks off 'arduous' rulemaking process : The Trump administration this month will take its first steps toward rewriting two of President Barack Obama's signature higher education regulatory achievements. The department is planning to overhaul the "gainful employment" rule, which is meant to cut off federal funding to career college programs that produce graduates with large amounts of debt relative to their earnings. The department also wants to rewrite the "borrower defense to repayment" package of regulations, which it has blocked from taking effect. Those rules are aimed at making it easier for defrauded federal loan borrowers to discharge their debt; they would also prohibit mandatory arbitration clauses in college enrollment agreements and give the Education Department new powers to take action against financially troubled schools.

Education Secretary Betsy DeVos has pledged a "regulatory reset" of the two Obama-era rules. Her agency will hold two public hearings this month — on July 10 and 12 — to get feedback. Rewriting and renegotiating the two contentious regulations will be an "arduous task" that requires "significant oversight and resources," the department noted in a memo last month. One obvious challenge will be personnel: The administration has yet to announce the nominations of permanent political leaders for top higher education positions. — *Michael Stratford*

Career education bill moves to Senate: The effort to update the law that dictates how

the federal government spends about \$1 billion annually on career and technical education programs is now in the hands of the Senate. Last month, the House passed a bipartisan bill that backers say would simplify requirements that states must follow when applying for federal funds and make it easier for providers to participate. But it's unclear whether it will gain traction in the Senate. A similar bill passed by the House last year hit a snag in the Senate when HELP Chairman Lamar Alexander sought to include tougher provisions to restrict the Education secretary's authority to approve state plans. An Alexander spokeswoman has said that updating the law — the Carl D. Perkins Career and Technical Education Act — is a priority and that he's asked Sen. Mike Enzi (R-Wyo.) to take the lead in developing a Senate bill. Last month's House vote was one of the first on a major piece of education legislation in either chamber during the Trump administration. — *Kimberly Hefling*

DEFENSE

Defense committees get to work: Three of the four congressional defense panels have approved annual policy and spending legislation. The House and Senate Armed Services committees both approved their versions of the fiscal 2018 National Defense Authorization Act, while the House Appropriations Committee advanced its annual defense spending bill.

Time will be short, though, to consider the bills on the House and Senate floors before Congress begins its monthlong summer break in August. The House NDAA is the first bill up and will likely be considered on the House floor the week of July 10.

Playing the numbers game : All three defense bills rolled out so far violate the 2011 Budget Control Act, which limits national defense spending, including the Pentagon and nuclear weapons programs under the Energy Department, to \$549 billion for the new fiscal year, beginning Oct. 1. The House Budget Committee is also set to unveil a spending framework after the July Fourth recess that will double down on the approach.

Lawmakers will need to strike a deal to raise the spending caps to meet the substantially higher funding levels laid out by defense committees, let alone launch a yearslong military buildup. But a budget accord will likely require concessions on domestic spending from Republicans to gain Democratic support.

More action on nominees : The top ranks at the Pentagon are beginning to fill out more, five months into Trump's presidency. The Senate Armed Services Committee has advanced the nomination of former Boeing executive Patrick Shanahan to be deputy Defense secretary to the full Senate for a final confirmation vote.

The panel is also expected to hear from Trump's nominee to be Navy secretary, financier Richard Spencer, whose confirmation hearing was postponed last month. And Trump has now tapped Textron Systems President and CEO Ellen Lord to be Pentagon

acquisitions chief. — *Connor O'Brien*

TRANSPORTATION

It's all coming together? The House and Senate have now each marked up very different FAA reauthorization bills — the House with a proposal that would splinter the FAA and hand air traffic control to a nonprofit corporation, and the Senate, well, without that proposal. But each chamber's respective committees approved the bills just before the July Fourth recess, and that makes this a pivotal month. It's still unclear whether House Transportation Chairman [Bill Shuster](#) (R-Pa.) will garner enough support to bring his FAA bill to the floor, but he's said he wants to do so in mid-July. Sen. [John Thune](#) (R-S.D.) has made similar noises, but his FAA bill may be tripped up by uncertainty over how the GOP plans to proceed on health care. In any case, this month will be a key one, with either substantive movement on this major aviation policy bill, or the continuation of a slow slide into another end-of-September extension. — *Kathryn Wolfe*

HEALTH CARE

Congress faces deadlines on FDA funding, kids' health care : Congress is racing toward a pair of deadlines on key health care programs that typically have bipartisan support but have been held up by the intense fight over Obamacare. The House and Senate this month will both try to pass FDA user fee agreements dictating how much medical device and drug companies will contribute toward the agency's budget to speed the process for reviewing their products. The framework for an agreement has been in place for more than a year and should move quickly through both chambers this month ahead of the September deadline. The path forward is somewhat less clear on reauthorization of the Children's Health Insurance Program, also set to expire after September. It's widely expected Congress will extend the program covering about 8 million kids, but there's been little public discussion on whether Republicans will insist on any changes that could be problematic for Democrats. — *Jason Millman*

EHEALTH

All eyes on FDA : Now that CMS' proposed 2018 regulations for the Medicare Access and CHIP Reauthorization Act are out (the rulemaking establishes some requirements for Medicare physician payments) — and some doctors and electronic health record vendors are breathing big gulps of relief about Secretary Tom Price's "keep going slow" approach to health IT implementation — much of the attention of the eHealth world is on the FDA user fees legislation. We'll be keeping a close eye to see whether Congress assigns the agency the dollars that will be necessary to fund the agency's new digital

health division. — *Arthur Allen*

DATAPOINT

Testing the stability and strength of U.S. banks: The Federal Reserve has released results of its annual stress tests, known as the Comprehensive Capital Analysis and Review, which measure whether 34 bank holding companies have sufficient capital to weather a severe economic crisis. The test results have a direct effect on whether banks with more than \$50 billion in assets can make dividend payments to shareholders or buy shares of their own stock to increase their value. The lenders in this year's CCAR hold roughly 75 percent of the total assets of all U.S. banks. — *Cristina Rivero*

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Subject: House delays minibus votes until next week

By Sarah Ferris

09/07/2017 09:53 PM EDT

House Majority Leader [Kevin McCarthy](#) announced the postponement tonight of the GOP's eight-bill spending bundle, citing the impending landfall of Hurricane Irma.

Prolonging the spending debate into a second week, the House's only task Friday will be a 12:30 p.m. vote on the Senate-passed fiscal deal, [H.R. 601 \(115\)](#), which includes more than \$15 billion in disaster aid. It would also raise the nation's borrowing limit and keep the government open through Dec. 8.

McCarthy said the House would halt work on its so-called "minibus," [H.R. 3354 \(115\)](#), until next week to accommodate lawmakers whose districts are in the path of Hurricane Irma. Lawmakers have roughly 200 amendments remaining to debate on four separate spending titles.

"As we continue to track Hurricane Irma, I know many of our members in the southeastern United States are anxious to get home to get their families and constituents," the majority leader said, adding that he wants to ensure members "can get home safely."

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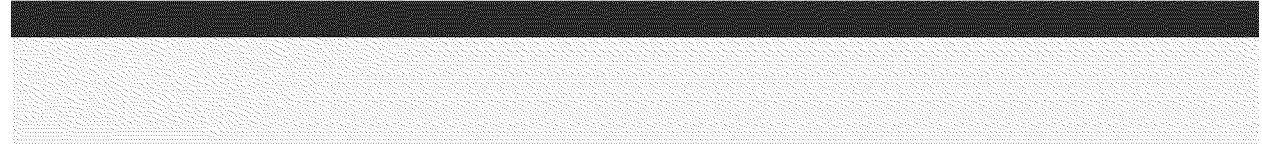
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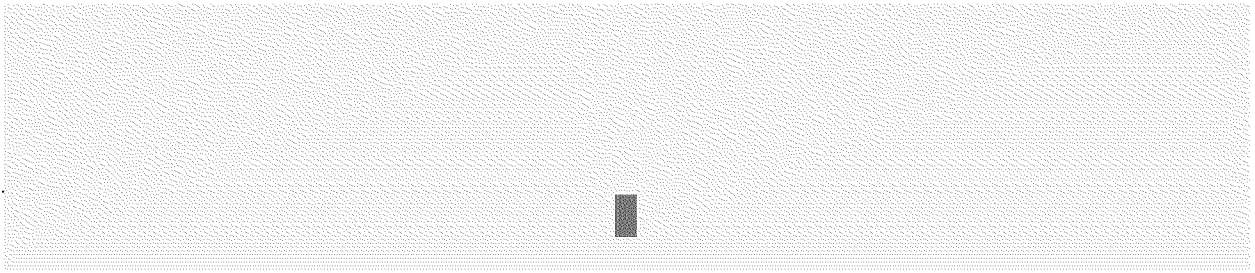
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THE DENVER POST

EPA Chief Scott Pruitt Right to Pursue Funds for Gold King Mine Victims

Editorial

August 19, 2017

<http://www.denverpost.com/2017/08/18/epa-chief-scott-pruitt-right-to-pursue-funds-for-gold-king-mine-victims/>

Scott Pruitt, head of the Environmental Protection Agency, is doing the right thing in his efforts to make whole the victims of the Gold King Mine spill that spewed 3 million of gallons of toxic water into the Animas River and downstream to New Mexico.

The EPA notoriously denied around 70 claims that were filed in the aftermath of the spill, amounting to \$1.2 billion in damages for things like harm to the tourism industry that relies on the river, farmers who were unable to water their crops, ranchers who had to treat water before giving it to cattle, and countless other impacts.

The government claimed sovereign immunity — the long-held principal that the federal government cannot be sued. It's an infuriating rule, but one that exists for good reason.

The EPA employees who triggered the Gold King deluge were trying to help. They were working on privately owned property to help clean up historic contamination from decades of mining operations. Opening up the EPA for lawsuits in such situations sets a dangerous precedent.

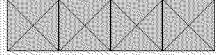
But sometimes the government's negligence is so egregious that hiding behind sovereign immunity — as the EPA did under President Barack Obama — becomes shameful.

Lawmakers in Colorado did the right thing by approving \$4.3 million in settlement payments with families who lost loved ones and homes in the Lower North Fork Fire. That fire was started by a government agency controlled burn. There are times when sovereign immunity, or limits on government liability, are unjust and lawmakers are wise to realize that and compensate victims for their losses.

We are glad Pruitt has committed to re-reviewing the claims that were denied under Obama.

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Subject: Morning Energy: High-stake solar trade fight gets public spotlight — Trump to sign environmental permitting EO today — Court tells PHMSA to revisit Exxon fine

By Anthony Adragna | 08/15/2017 05:42 AM EDT

With help from Darius Dixon and Annie Snider

SOLAR FLARE UPS? Witnesses step before the International Trade Commission this morning for a [public hearing](#) to offer their perspectives on whether President Donald Trump should slap tariffs on solar imports in a case with massive implications for the thriving U.S. industry. Two troubled solar manufacturers — Suniva Inc. and SolarWorld Americas — want the commission to declare imports of cheap foreign parts from Asia have caused "serious injury" to their domestic business. The companies want the U.S. to impose duties on imported equipment in order to revive domestic manufacturing facilities — moves they [claim](#) would create thousands of jobs across the industry. "Despite herculean efforts to compete against this onslaught, the imports, which are directly competitive with domestic product, have ground the domestic industry down to a mere shell of its former self," Suniva argued in its [pre-hearing brief](#). And Matt Card, an executive vice president for commercial operations with the company, plans to say the U.S. will "have no control of its own destiny when it comes to power generation from the sun" without tariffs put in place.

Opponents of the petitions argue the two companies' woes stem from bad business calls and that increasing the price of imports would be bad for the industry as a whole, a move that risks destroying jobs at companies that install solar panels on rooftops or develop utility-scale projects, for example. "This is not a case in which the facts support the findings necessary to justify imposition of any relief," the Solar Energy Industry Association and SunPower Corp. wrote in their [own brief](#). Other opponents of the petitions include utilities, union officials, bipartisan groups of [senators](#) and [House members](#), venture capital groups and conservative organizations like ALEC and the Heritage Foundation, among others. State elected officials from Minnesota, North Carolina, Georgia, Maryland and Virginia, as well as trade officials from South Carolina, Indonesia, the European Union, Brazil Mexico, Canada and Taiwan are all expected to testify as well.

If you go: The public hearing kicks off today at 9:30 a.m. at the ITC's main hearing room at 500 E Street SW. A full list of scheduled witnesses is available [here](#).

What happens afterward? If the four-member commission ties or votes in favor of the petition, it will hold another public hearing on what to do about the injury to U.S. companies. The final call about what to do would then be left to Trump where it's not clear how the ever-unpredictable White House might handle the matter given the administration's highly-publicized efforts to protect U.S. manufacturing jobs. A vote against the petition by the ITC would kill the effort.

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and DOE's Diane Meck was first up to identify "The Mousetrap" as the play with the longest initial run. (It's awesome, too,

says this Agatha Christie fan.) For today: What entire country did rapper Snoop Dogg try to rent out in 2010 to film a music video? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy) and [@POLITICOPro](https://twitter.com/POLITICOPro).

ANOTHER EXECUTIVE ORDER COMING: Trump will sign an executive order today at 3 p.m. at Trump Tower "establishing discipline and accountability in the environmental review and permitting process for infrastructure projects," according to the White House, which did not respond to a request for further details. The president has repeatedly bemoaned what he describes as lengthy delays to new projects due to various federal regulatory requirements and signed an executive order expediting environmental reviews back in January. That one directed the Council on Environmental Quality chairman to identify high priority infrastructure projects and work with other agencies to expedite their approvals. Back in June, Trump announced a new office within CEQ that he said would "root out inefficiency, clarify lines of authority and streamline federal and state [and] local procedures so that communities can modernize their aging infrastructure without fear of outdated federal rules getting in their way." Despite those earlier announcements, Trump has still not yet nominated anyone to lead CEQ.

COURT SAYS PHMSA WAS TOO TOUGH ON EXXON: The Obama administration over-penalized Exxon Mobil for its 2013 pipeline spill in Mayflower, Ark., a federal court ruled Monday. The U.S. Court of Appeals for the Fifth Circuit threw out a number of safety violations against Exxon, saying the company met its legal obligations to consider all risk factors associated with the Pegasus Pipeline. The Pipeline and Hazardous Materials Safety Administration's interpretation of its pipeline integrity regulations would leave entities unable to escape legal liability whenever a pipeline spill occurred, the court ruled. "The unfortunate fact of the matter is that, despite adherence to safety guidelines and regulations, oil spills still do occur," Judge Jennifer Walker Elrod, a George W. Bush appointee, wrote for the court. The decision gives the Trump administration (which lacks a permanent PHMSA chief or nominee to fill that slot) an opportunity to lower the \$2.6 million fine levied against Exxon.

EYES AND EARS ON GEORGIA: So long as the Vogtle nuclear project remains on the financial and political rocks, regulators on the Georgia Public Service Commission are going to be getting a lot of attention. Commissioners are scheduled to meet this morning for what was probably going to be a routine "administrative session" where they may take up a motion related to the troubled two-reactor project. Last week, Georgia PSC Chairman Stan Wise introduced a 14-point motion he's hoping will be seen as something of a "test vote" on whether the agency is even open to continuing the project — a fairly low, but important, bar at the moment since Southern Co. hasn't given its latest cost estimates for completing (or partially completing) the project. Southern is expected to deliver a recommendation on the future of Vogtle later this month. The PSC meeting starts at 10 a.m. in Atlanta.

ZINKE HIT ON THE HOMEFRONT: The Western Values Project is out this morning with a \$500,000 ad buy in Montana hitting Zinke for his ongoing review of several dozen national monuments and calling for him to protect public lands. It's part of a broader \$2 million effort from conservation and sportsman groups to hit the former Montana congressman as he prepares to issue his recommendations on the national monuments to Trump. "Secretary Zinke went to

Washington, D.C., and left his Montana values at the door," Chris Saeger, executive director of the Western Values Project, said in a statement.

Side note: Can anyone remember a Cabinet official facing an ad campaign in their home state for their ongoing administration-specific work?

LAST CALL! Just 10 days are left before Zinke's much-anticipated monument recommendations are due to Trump, but today is the last opportunity for the [public to comment](#) on a separate — but related — examination of the status of 11 marine national monuments and sanctuaries. The Commerce Department has until late October to issue its own report on everything from the potential for offshore drilling in those areas, to the costs of managing the monuments and sanctuaries and the extent to which state, tribes and other agencies were consulted before those designations were made.

COLORADO RIVER PROGNOSIS COMING TODAY: The Bureau of Reclamation is due this morning to release a key study that will determine whether a water shortage will be declared in the lower basin next year. A year ago, water levels at Lake Mead, the massive reservoir supplying Nevada, southern California and Arizona, looked more likely than not to dip low enough to trigger the first round of mandatory water delivery cuts in 2018. But a wet winter and major water conservation efforts appear to have spared the basin this time. Still, the eyes of the West will be on just how much wiggle room is left above that trigger point, and how likely Reclamation thinks it is that a shortage declaration could come in 2019.

U.S.-Mexico deal moving forward: Meanwhile, a water-sharing agreement between the U.S. and its southern neighbor is making progress, with a number of state water agencies and major users preparing to give their formal sign-off to the deal in the coming weeks. The agreement, an amendment to the treaty governing cross-border water sharing, would replace a deal set to expire at the end of 2017 governing how shortages are shared between the two countries.

SETTLEMENT OFFERED IN DAKOTA ACCESS CASE: Energy Transfer Partners, the company behind the Dakota Access pipeline, would pay \$15,000 to settle claims it failed to notify regulators about Native American cultural artifacts discovered the construction process under a settlement proposed Monday by the North Dakota Public Service Commission, the Bismarck Tribune [reports](#). The company now has 10 days to consider the offer.

PENCE 'ABSOLUTELY DETERMINED' ON VENEZUELA: Vice President Mike Pence reiterated during a stop in Cartagena, Colombia, the U.S. was not seriously considering military action against Venezuela but said the "failed state" threatened regional stability. "We are absolutely determined to bring the full measure of American economic and diplomatic power to bear until we see democracy restored," he said, without further elaboration.

COMPLAINT FILED OVER DOE LEAK CRACKDOWN: The Project On Government Oversight has filed [a complaint](#) with the Office of Special Counsel over posters at DOE targeting leaks. The groups says those posters do not include legally required language to ensure that employees are aware of their legally protected right to report wrongdoing. "DOE's management communications are likely to erroneously create the impression that government employees and

contractors at DOE, and other agencies, have no legal avenue to blow the whistle on government waste, fraud, and abuse," Danielle Brian, the group's executive director, wrote. "This needs to be remedied, fast." Among the recommendations is a call for senior management at DOE to state whistleblowers disclosing non-classified material would be protected and the immediate removal of the posters in question.

FARMER'S WETLAND CASE HEADS TO PENALTY PHASE: John Duarte, the California nursery owner whose wetlands lawsuit has been held up by agricultural and property rights advocates as a prime example of government overreach, heads back to court this morning for the penalty phase of his case after being found guilty of violating the Clean Water Act by a federal judge in Sacramento. Duarte faces potentially millions of dollars in fines, but has asked the court to assess only a symbolic \$1 fee.

At issue is Duarte's use of a plowing method, which the Army Corps of Engineers argues was "deep ripping" that can be damaging to a rare, ecologically important type of wetland called vernal pools. While the Clean Water Act exempts normal farming practices, including plowing, from permitting requirements, it does not exempt deep ripping. A motion to dismiss the case is also pending, with Duarte's legal team arguing that the Army Corps didn't have the authority to bring the lawsuit — only the EPA, which has ultimate authority over Clean Water Act wetlands issues.

PREVIEW OF FALL ACTION: Rep. [John Shimkus](#), Energy and Commerce Environment Subcommittee chairman, told a [local Illinois newspaper](#) Monday nuclear waste and drinking water legislation that cleared the full committee could be part of a still-theoretical infrastructure package this fall. "They can be passed on their own, or they could be included in a bigger infrastructure package along with other transportation, energy and water infrastructure programs," he told the River Bender.

DISMISSED: A federal judge ruled Monday an EPA enforcement action against Putnam County Commissioner Ron Foster and two of his companies was not motivated because he made a political donation to Rep. [David McKinley](#), the Charleston Gazette-Mail [reports](#). "Plaintiffs have been unable to demonstrate any other retaliatory conduct by the EPA that is causally linked to the political research document or any other evidence related to political animus on the part of the EPA," U.S. District Judge John T. Copenhaver Jr. wrote in an 83-page opinion.

LIGHTER SIDE OF PRUITT: An Iowa television [interview](#) offered a glimpse at the softer side of EPA Administrator Scott Pruitt through a series of rapid-fire questions. The politician he admires most? Former Oklahoma Sen. Don Nickles. How he passes long hours traveling? "We always have a good time as far as good food and fellowship." How baseball can get even better? "I think we need to do more to export the product internationally." A bold prediction? The Chicago Cubs will win the World Series again within five years, noting the Ricketts family that owns the team "are good friends of mine."

THAT'S SOME 24K MAGIC: Singer Bruno Mars will donate \$1 million from a concert in Auburn Hills, Mich. to benefit those affected by the Flint water crisis, the Associated Press [reports](#). Mars and tour promoter Live Nation will give the money to the Community Foundation

of Greater Flint. "Ongoing challenges remain years later for Flint residents, and it's important that we don't forget our brothers and sisters affected by this disaster," the singer said in a statement.

QUICK HITS

- Oilfield sand miners encroaching on threatened West Texas lizard. [Texas Tribune](#).
- Billionaire hedge-fund manager Tepper adds contrarian energy stocks. [Reuters](#).
- Without Oil, North Korea Sanctions Won't Stop Kim. [Bloomberg](#).
- Federal government halts drilling at North Dakota well site. [AP](#).
- Security company denies providing illegal services during DAPL protests. [Bismarck Tribune](#).
- California Republicans face backlash for backing climate change program. [Los Angeles Times](#).

HAPPENING TODAY

9:30 a.m. — U.S. International Trade Commission holds [public hearing](#) on Suniva trade petition, 500 E Street SW

10:00 a.m. — "[Addressing the Water-Energy Nexus in an Integrated and Proactive Way](#)," United States Energy Association, 1300 Pennsylvania Ave NW, Suite 550

THAT'S ALL FOR ME!

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/08/high-stake-solar-trade-fight-gets-public-spotlight-024229>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro
Sent: Tue 11/14/2017 10:16:21 PM
Subject: House passes flood insurance bill

By Zachary Warmbrodt

11/14/2017 05:14 PM EDT

The House today passed a bill that would reauthorize the National Flood Insurance Program for five years and overhaul several aspects of its operations.

The House passed [H.R. 2874 \(115\)](#) in a 237-189 vote, with a number of coastal Republicans opposing the legislation after warning that it would hurt their constituents.

WHAT'S NEXT: Senators are negotiating their own long-term flood insurance reauthorization bill. The NFIP is set to expire Dec. 8.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Sat 8/19/2017 7:52:06 PM
Subject: The New York Times & Chlorpyrifos

Good Morning -

After a monumental mistake where the [New York Times](#) was caught peddling false information, they're at it again.

Last night, the New York Times' Eric Lipton and Roni Rabin reported on false facts about the EPA's decision not to ban the pesticide Chlorpyrifos and the decision to continue the review regarding the pesticide.

Specifically speaking, they left out that the EPA's decision was upheld by the 9th Circuit Court of Appeals in San Francisco.

They also took the drastic decision of omitting words from the EPA's one-sentence statement in response to their story that reminded Americans that the USDA had scientific concerns about banning this pesticide. Additionally, three days before President Trump's inauguration, the Obama Administration's USDA strongly opposed banning this pesticide.

Given that the New York Times never lets the truth get in the way of a good story, below is our official statement that was provided to them, along with some inconvenient facts that their story left out.

"Taking emails out of context doesn't change the fact that we continue to examine the science surrounding chlorpyrifos, while taking into account USDA's scientific concerns with methodology used by the previous administration." - EPA spokesman, Amy Graham

BACKGROUND ...

Despite having 8 years to review the petition on chlorpyrifos, the Obama Administration never banned Chlorpyrifos. "The EPA considered whether to ban it for roughly a decade before Trump appointed EPA Administrator Scott Pruitt, a Republican from Oklahoma, to lead the agency." (Reuters, 07/25/17)

The EPA is still reviewing Chlorpyrifos. "The agency said it was still reviewing the chemical's registration." (Reuters, 07/25/17)

San Francisco-based 9th Circuit Court of Appeals rejects greens' appeal of EPA decision not to ban pesticide. "A federal appeals court rejected a request from environmental groups to overturn the Environmental Protection Agency's (EPA) decision not to restrict the controversial pesticide chlorpyrifos." ([The Hill](#), 07/18/17)

The U.S. Department of Agriculture supported the EPA's action. "This is a welcome decision grounded in evidence and science," said Sheryl Kunickis, director of the Office of Pest Management Policy at USDA. "It means that this important pest management tool will remain available to growers, helping to ensure an abundant and affordable food supply for this nation and the world. This frees American farmers from significant trade disruptions that could have been caused by an

unnecessary, unilateral revocation of chlorpyrifos tolerances in the United States. It is also great news for consumers, who will continue to have access to a full range of both domestic and imported fruits and vegetables. We thank our colleagues at EPA for their hard work.” ([Food Safety News](#), 03/31/17)

National Association of State Departments of Agriculture also objected to Obama’s EPA methodology. “Similarly, the National Association of State Departments of Agriculture also objected to EPA’s methodology. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) also expressed concerns with regard to EPA’s previous reliance on certain data the agency had used to support its proposal to ban the pesticide.” ([Food Safety News](#), 03/31/17)

The Washington Post: New York Times guilty of large screw-up on climate-change story. “The New York Times on Wednesday appended a correction to a story about a climate change study: Correction: August 9, 2017 – An article on Tuesday about a sweeping federal climate change report referred incorrectly to the availability of the report. While it was not widely publicized, the report was uploaded by the nonprofit Internet Archive in January; it was not first made public by The New York Times. That correction, which sits at the foot of the story, dutifully straightens out the record. Yet given the magnitude of the screw-up, it should sit atop the story, surrounded by red flashing lights and perhaps an audio track to instruct readers: Warning: This story once peddled a faulty and damaging premise.” ([The Washington Post](#), 08/09/17)

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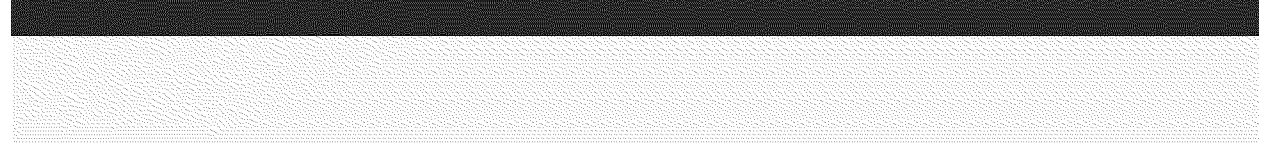
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From: Approval Queue
Sent: Tue 8/1/2017 1:45:12 PM
Subject: Your request 'Trip from Washington to Evansville' was approved.

Your request 'Trip from Washington to Evansville' was approved.

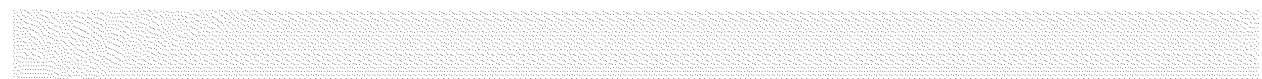
Approved on 2017, August 01, Tuesday at 09:45 am Eastern Time by: NICOLE SMOOT
Comments:

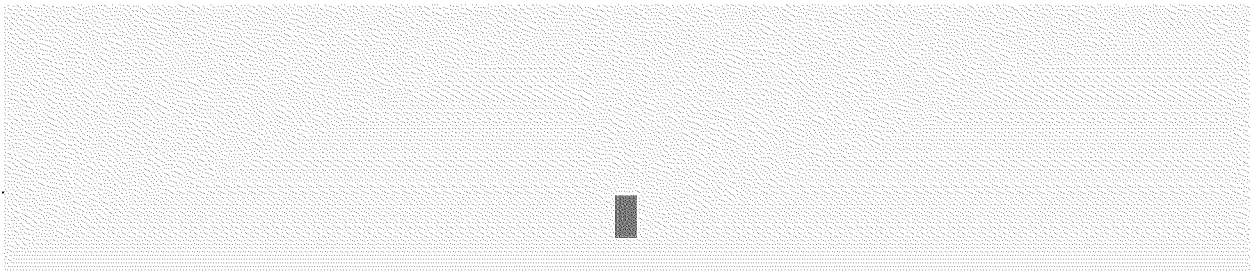
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From: Morning Consult
Sent: Mon 10/16/2017 12:40:30 PM
Subject: Morning Consult Washington: Obamacare Subsidies Likely to Factor Into Year-End Spending Negotiations

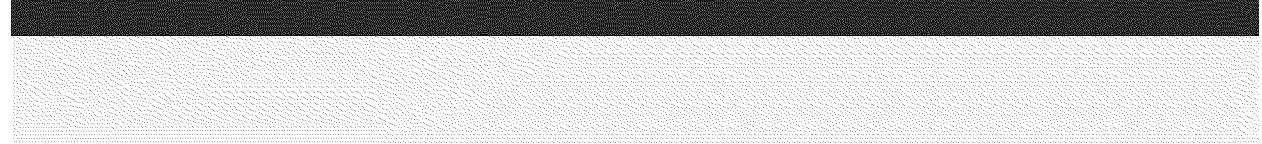


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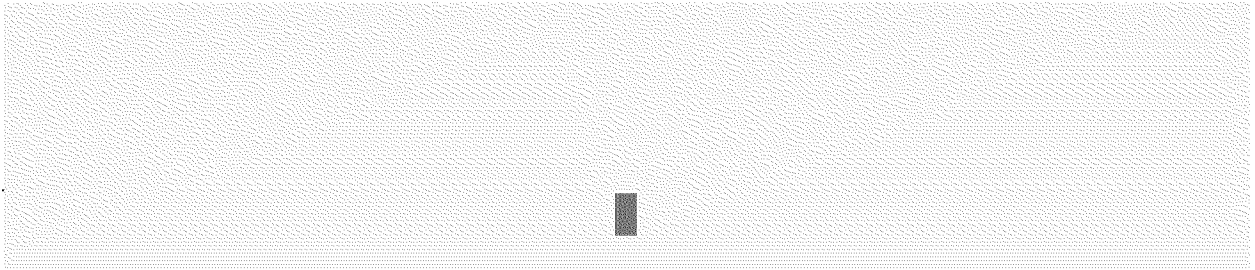


To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Fri 11/17/2017 2:01:23 PM
Subject: Morning Consult Washington, Presented by the Electronic Payments Coalition: Trump Weighs In on Allegations Against Franken



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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Wed 12/6/2017 2:04:21 PM
Subject: Morning Consult Washington, Presented by the Electronic Payments Coalition: Senate Confirms Nielsen to Lead DHS

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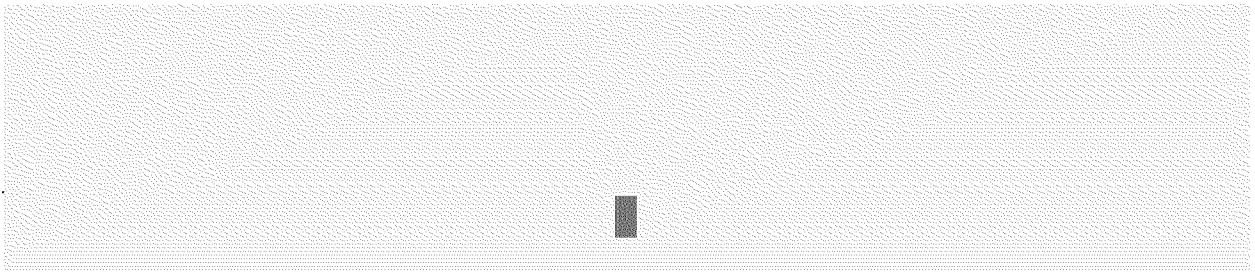
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Thur 9/7/2017 11:28:32 PM
Subject: IRMA UPDATE: Regions 2 and 4 Taking Precautions, Activating Emergency Response Teams

CONTACT: press@epa.gov

IRMA UPDATE: Regions 2 and 4 Taking Precautions, Activating Emergency Response Teams

WASHINGTON – EPA is continuing preparations for Hurricane Irma, which is expected to hit Southern Florida, serviced by EPA Region 4. Irma has already made landfall in Puerto Rico and the U.S. Virgin Islands, covered by EPA Region 2. The Agency is in the process of securing and assessing Superfund sites; compiling data for regulated facilities; granting fuel waivers to help stabilize prices at the pump and ensure emergency vehicles have access to fuel; and, preparing for infrastructure assessments and environmental sampling following the storm.

The Agency is focused on the safety of those in the affected areas and warns that unauthorized entry at any Superfund site, either prior to or following the storm, is prohibited as these sites can be extremely dangerous and can pose significant threats to human health.

The Regional Emergency Operation Center's in both Region 4 and Region 2 are prepared for the following field operations, including: drinking water and wastewater infrastructure assessment; facility assessment; debris and household hazardous waste management; and drinking water and environmental sampling.

As of September 7, 2017, the following information is available:

REGIONAL OPERATIONS CENTERS

- **Region 2:** About 43 personnel are currently involved in hurricane efforts and assessment teams are ready to deploy to Puerto Rico and the U.S. Virgin Islands. These efforts are being augmented by professional staff in EPA Region 2's Caribbean Environmental Protection Division (CEPD).
- **Region 4:** The Region has approximately 34 personnel involved in emergency response efforts. In addition, seven people are scheduled to deploy to Florida, including Regional Administrator Trey Glenn to the State Emergency Operations Center tomorrow.

RISK MANAGEMENT PLANS (RMPS)

- EPA is communicating with the Risk Management Program (RMP) and Facility Response Plan (FRP) bulk oil facilities to ensure they are secure and identify any vulnerabilities.
- EPA's Remedial program is currently performing desk-top triage of all remedial sites in Region 4 coastal states.

FUEL WAIVERS

- Today, EPA extended a low-volatility conventional gasoline waiver through September 26th in

38 states and the District of Columbia.

- Yesterday, EPA issued Red-Dye Diesel fuel waiver for vehicles used for emergency response and evacuations.

REGION 2 SUPERFUND SITES

- EPA assessed 23 Superfund and oil sites in Puerto Rico and U.S Virgin Islands to evaluate their vulnerabilities prior to Hurricane Irma hitting. The Region will conduct post-hurricane assessments of these facilities and sites.
- A complete list of Superfund and oil sites has been generated to prioritize post-hurricane visits. Additionally, a list of other regulated facilities has been created to conduct pre- and post-storm facility coordination and assessment.
- EPA teams will focus on immediate threats from hazardous substance releases and oil spills, orphan hazardous containers, household hazardous waste, contaminated debris, and drinking water/wastewater (DW/WW) issues.

REGION 4 SUPERFUND SITES

- Currently 80 sites from Miami to North Carolina are being reviewed and technical staff in Region 4 office are evaluating any vulnerabilities at each site. A list of regulated facilities and sites of potential concern is being refined based on Irma's path, storm surge and 100/500-year flood map predictions.
- If any site in the path of the storm is found to pose an immediate threat to nearby populations, EPA will immediately alert local officials.
- If cleanup activity is on-going at a site, EPA will instruct the on-site contractor to secure the site immediately. This includes evacuating personnel, ceasing all activity, and securing equipment and other potentially harmful materials. If no activity is currently occurring at the site, the site is considered secured but remains closely monitored.
- After the storm passes, floodwaters recede, and it is deemed safe to enter a site, EPA remedial managers and contractors conduct rapid assessments of sites based on priority to identify any damage and initiate cleanup plans if necessary.

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From: Morning Consult
Sent: Wed 8/30/2017 1:12:28 PM
Subject: Morning Consult Washington: GOP Voters Support Shutdown If It Would Force Funding for Border Wall

[REDACTED]

[REDACTED]

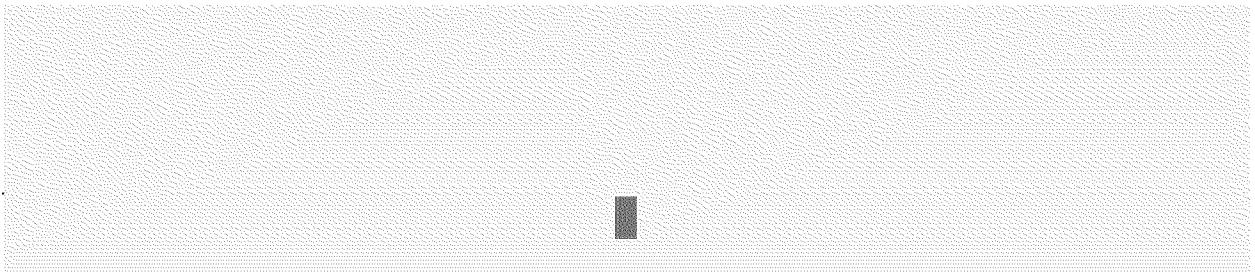
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[REDACTED]

[REDACTED]

[REDACTED]



To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Thur 9/7/2017 10:49:46 PM
Subject: ENVIRONMENTAL LEADERS PRAISE BILL WEHRUM EPA NOMINATION

ENVIRONMENTAL LEADERS PRAISE BILL WEHRUM EPA NOMINATION

Wehrum Nominated to Head Air and Radiation Office

WASHINGTON (September 7, 2017) Today, President Donald J. Trump announced his intention to nominate Bill Wehrum to serve as EPA Assistant Administrator for the Office of Air and Radiation (OAR). Mr. Wehrum has a long history of public service, and previously served as EPA's acting assistant administrator for Air and Radiation from 2005 to 2007 and as EPA's principal deputy assistant administrator and counsel to the assistant administrator for Air and Radiation. He is currently partner and head of the Administrative Law Group at Hunton & Williams LLP where his practice focuses on air quality issues. Mr. Wehrum's career includes over 31 years working in the environmental field through engineering, legal practice, and administrative duties.

His nomination is receiving high accolades from environmental leaders across the country:

Sean Alteri, director, Kentucky Division for Air Quality and 2017 president of the Association of Air Pollution Control Agencies: "Considering his education and experience as a chemical engineer and an environmental attorney, Mr. Wehrum will be well-positioned to provide clear, concise direction to address the many diverse, complex air quality issues. As a student of the Clean Air Act, Mr. Wehrum's knowledge and experience will greatly benefit EPA, state, and local air pollution control agencies. We look forward to working with Mr. Wehrum and EPA's senior leadership to improve air quality in Kentucky and throughout our nation. The Kentucky Division for Air Quality supports Mr. Wehrum's nomination to serve as the assistant administrator of EPA's Office of Air and Radiation."

John Cruden, president-elect of the American College of Environmental Lawyers and assistant attorney general, Environment and Natural Resources Division, U.S. Department of Justice (12/2014-1/2017): "I have worked with Bill Wehrum while he was a senior official at EPA during the Bush Administration, and have followed his impressive career in private practice. I believe he is committed to achieving clean air for all citizens and carefully following sound and current science."

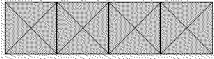
Jeff Holmstead, assistant administrator, Office of Air and Radiation, EPA (2001 –2005): "Bill is committed to the goals of the Clean Air Act and to the rule of law. He is also a person of the highest integrity. I am confident that, within the framework established by Congress, he will work to protect public health and the environment while at the same time pursuing regulatory reforms that will reduce unnecessary regulatory burdens. Truly, there is no better person to serve as the assistant administrator of EPA's Office of Air and Radiation."

Marcus Peacock, EPA deputy administrator (08/2005 – 01/2009): "Bill Wehrum's understanding of the Clean Air Act may be second to none. His desire to pull up his sleeves and actually make the Clean Air Act work as a practical matter is second to none."

Clint Woods, executive director, Association of Air Pollution Control Agencies: "Through his

comprehensive knowledge of the law and experience in the federal government, Bill possesses the background to manage challenging Clean Air Act issues at U.S. EPA and help continue the tremendous air quality progress that has been achieved in our country over the last several decades. Under his leadership, the Office of Air and Radiation will be well-situated to pursue a back-to-basics agenda grounded in cooperative federalism.”

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro
Sent: Fri 11/17/2017 1:05:23 AM
Subject: White House seeks at least \$44B in third disaster request

By John Bresnahan, Seung Min Kim and Sarah Ferris

11/16/2017 06:57 PM EDT

Updated 11/16/2017 08:03 PM EDT

The White House will ask Congress on Friday to approve at least \$44 billion to help storm-ravaged communities in Texas, Puerto Rico and Florida, according to three sources privy to the request.

It would mark the third aid installment in three months. Congress has already approved \$52 billion in response to the spate of hurricanes that killed 260 people and caused hundreds of billions of dollars in damage.

The latest request falls short of what local officials had sought for their recovery, though the White House is expected to send additional aid proposals in the coming months. Texas had asked for \$61 billion for reconstruction, and Puerto Rico has sought \$96 billion.

Both the House and Senate are expected to take up the request next month, possibly as part of a year-end spending deal. The request comes as lawmakers leave town for a weeklong Thanksgiving break.

To view online:

<https://www.politicopro.com/financial-services/whiteboard/2017/11/white-house-seeks-at-least-44-billion-in-third-disaster-request-095764>

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Sent: Mon 8/14/2017 10:29:28 PM
Subject: Vanguard bows to pressure on climate change

By Patrick Temple-West

08/14/2017 06:24 PM EDT

Asset management giant Vanguard said today that it will press companies harder about how climate change affects their business models.

Vanguard's announcement was prompted by rival mutual fund company Walden Asset Management, a division of Boston Trust that uses its investments to give priority to environmental, social and governance issues.

Vanguard said Walden agreed to drop a shareholder proposal aimed at getting Vanguard to report on its policies related to climate change.

"Vanguard has prioritized climate risk on our engagement agenda, and we have discussed the topic with more companies over the past year than ever before," said Glenn Booraem, Vanguard Funds' investment stewardship officer. "Walden's request also coincided with our plans for more comprehensive reporting on our Investment Stewardship activities; the first iteration of our expanded reporting will be published later this month," he said.

WHAT'S NEXT: The battle over shareholder proposals like the one Walden filed is bound to heat up in Washington as pro-business groups like the Chamber of Commerce want the SEC to limit them. The SEC's Republican commissioner has said he supports higher thresholds for unpopular shareholder proposals that are resubmitted to companies.

To view online:

<https://www.politicopro.com/financial-services/whiteboard/2017/08/vanguard-bows-to-pressure-on-climate-change-091798>

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From: Women Rule
Sent: Fri 12/1/2017 4:57:54 PM
Subject: Women Rule featuring Cindi Leive, Summit updates and more



To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Wed 11/22/2017 2:09:16 PM
Subject: Morning Consult Washington: Second Woman Accused Conyers of Sexual Harassment Before Dropping Lawsuit

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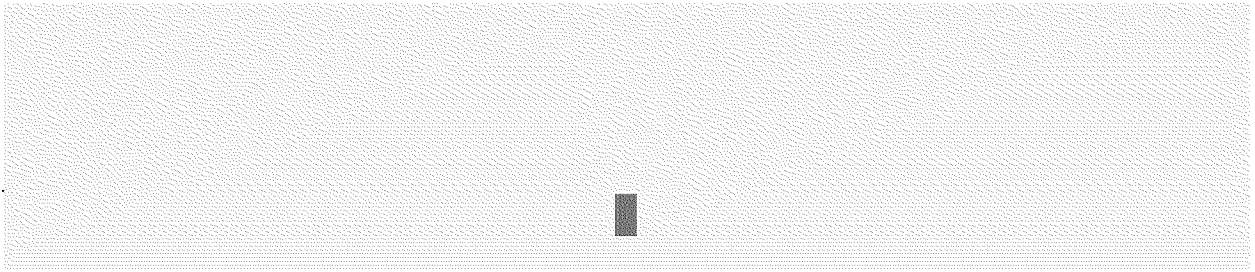
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Thur 11/16/2017 10:10:01 PM
Subject: EPA's Scott Pruitt drains the swamp like no one else in Washington

Pruitt is a man who gets things done. Despite resistance from within his own agency and an environment lobby bent on stopping him ...

EPA's Scott Pruitt Drains The Swamp Like No One Else In Washington

The Hill

November 16, 2017

Emmett McGroarty And Erin Tuttle

<http://thehill.com/opinion/energy-environment/360763-epas-scott-pruitt-drains-the-swamp-like-no-one-else-in-washington>

EPA Administrator Scott Pruitt is a man who gets things done. Despite resistance from within his own agency and an environment lobby bent on stopping him, he's doing his part to drain the swamp and return government to the people. He's bringing what citizens demand of a federal agency: Transparency and reasoned, fact-based decision-making resting on sound statutory footing.

Take the contentious issue of global warming. Pruitt called for a reasoned debate. But his critics mocked the suggestion, claiming it would be an outrage to place "fringe" views on an even platform with "established, peer-reviewed research." But it is tyrants and mobs — not reasonable policymakers intent on serving the public — who ridicule debate and discussion. It undercuts arbitrary rule and fear, their chief weapons.

Consider Pruitt's recent directive prohibiting scientists from serving on one of the agency's three main advisory panels while they are receiving EPA grant funding. It applies to the three main advisory boards at the EPA: The Science Advisory Board, the Clean Air Scientific Advisory Committee (CASAC), and the Board of Scientific Counselors (BOSC).

Pruitt made the case that the directive is necessary to ensure the agency's research programs are informed by independent experts with no financial ties to the programs. As he noted, advisory board members have received \$77 million in grant money over the past three years — half of the total amount allotted.

"When we have members of those committees that received tens of millions of dollars in grants at the same time that they are advising this agency on rulemaking, that is not good," Pruitt said. His directive is prudent, and it is the type of common-sense safeguard that citizens expect in a self-governed republic.

In contrast, the resistance of the EPA's bureaucracy and its apologists shows arrogant contempt for the citizen. Board member and chair of BOSC, Deborah Swackhamer, seemingly unfazed by these relationships, labeled Pruitt's directive as "clearly political" and suggested it is an attempt to effectively stack the committees with members who disagree with her (although she didn't put it quite that way).

What's really going on at EPA is the swamp draining that needs to happen across the federal bureaucracy. It is a death-fight (meant figuratively) for bureaucrats intent at reshaping society according to their world-view. To do so, they need to maintain an appearance that scientific consensus supports their views.

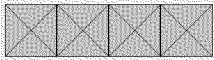
...

But, as Pruitt commented, the focus at EPA should be "sound science, not political science." His approach should be emulated by the other agencies.

[To Read The Full Op-Ed Click Here](#)

Emmett McGroarty and Erin Tuttle work for American Principles Project. They are co-authors of the forthcoming book "Deconstructing the Administrative State: The Fight for Liberty."

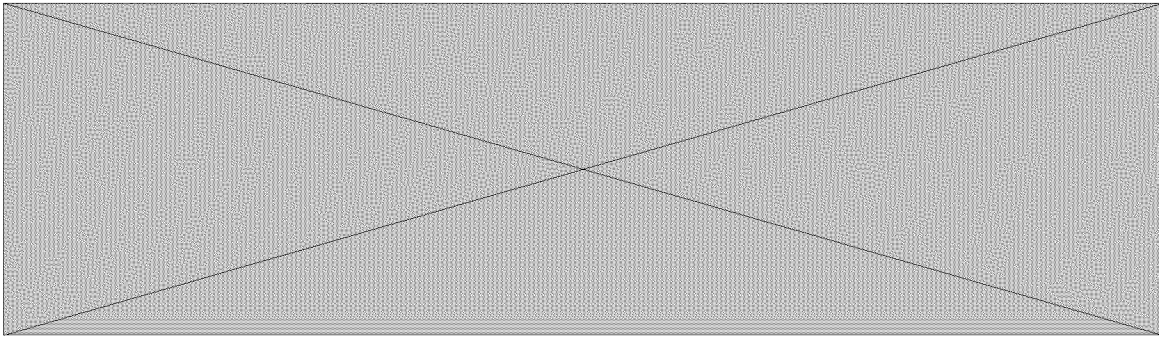
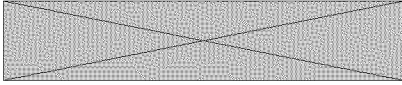
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro
Sent: Mon 8/14/2017 10:05:17 PM
Subject: Your Quarterly Update | Legislative Compass



Dear Samantha,

Greetings from POLITICO Pro and welcome to your Quarterly Update. Our team has been hard at work this summer on updates and enhancements to your Pro account.

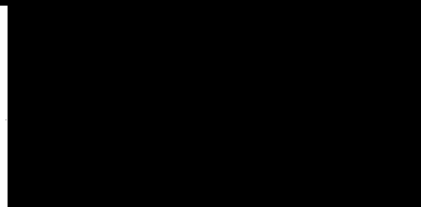
Today's update highlights the launch of Pro's newest product, Legislative Compass. We're also thrilled to announce our first Pro-only policy summit.

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We invite you to learn more about these updates to your POLITICO Pro account.



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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro
Sent: Wed 12/6/2017 12:40:03 AM
Subject: Senate tax writers teeing up tax extenders bill

By Aaron Lorenzo and Bernie Becker

12/05/2017 07:23 PM EDT

Leading GOP senators expect legislation to extend expired tax provisions to come together in the next couple of weeks.

Energy and agriculture provisions are driving the plan.

"We always wind up doing it, so yeah, I suspect that's something we'll have to do," said Senate Finance Chairman [Orrin Hatch](#) (R-Utah). "There hasn't been much talk about it right now, but there's always loose ends that you just have to tie up."

The items, which would revive short-term tax benefits to promote renewable energy sources like biodiesel and solar power, as well as rail lines crucial to farming communities, weren't included in the major tax legislation already advancing in Congress, [H.R. 1 \(115\)](#). Nor were they part of the massive package of tax extenders Congress passed in 2015.

Instead, these extra extensions of longstanding policies are moving separately.

They could ride with an end-of-year government funding agreement, according to multiple sources on Capitol Hill, as well as lobbyists.

"I wanted it in the bigger tax bill but there are so many extenders that they just made it too complicated," said Sen. [Mike Crapo](#) (R-Idaho). "So the decision was made — not by me — to pull the extenders back for a different bill."

Crapo is pushing to continue a tax credit to maintain short-line railroads, which connect farm goods from hard-to-reach locations around the country to main rail arteries that can carry the food anywhere.

Sens. [Johnny Isakson](#) (R-Ga.) and [Tim Scott](#) (R-S.C.) are advocating to extend a 2020 deadline on tax credits for new nuclear energy projects. Sen. [Chuck Grassley](#) (R-Iowa) has worked on biodiesel.

In the House, a separate effort has been afoot to further delay start dates on several health care-related taxes, like the medical device excise tax and health insurance tax, connected to the Affordable Care Act.

WHAT'S NEXT: Government funding runs out Dec. 8, and talks on longer-term spending plans are ongoing.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/12/senate-tax-writers-teeing-up-tax-extend-bill-202445>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Center for a New American Security
Sent: Fri 12/1/2017 3:35:18 PM
Subject: Reminder: CNAS and Belfer Center Event: Sec. Perry to Speak at U.S.-Russia Relations Discussion

CNAS EVENT INVITATION

A New Era in U.S.-Russian Strategic Stability

The Center for a New American Security and Harvard Kennedy School's Belfer Center for Science and International Affairs invite you to a discussion on U.S.-Russian relations and ways to promote strategic stability in the face of new and disruptive technologies. The event will feature remarks from former Secretary of Defense William J. Perry.

Join us on **Monday, December 4, 5:30 pm at the Center for a New American Security at 1152 15th Street NW, Suite 950**, for a fireside chat followed by a panel discussion on the impact of emerging technologies on the U.S.-Russian nuclear balance.

Fireside Chat Featuring:

William J. Perry
Former Secretary of Defense

James N. Miller, Jr.
Senior Fellow, Belfer Center for Science and International Affairs at Harvard Kennedy School

Richard Fontaine
President, Center for a New American Security

Panel Discussion Featuring:

William J. Perry
Former Secretary of Defense

Celeste A. Wallander
Former Special Assistant to the President for National Security Affairs
Former Senior Director for Russia and Central Asia on the National Security Council Staff

James N. Miller, Jr.
Senior Fellow, Belfer Center for Science and International Affairs at Harvard Kennedy School

Richard Fontaine
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Center for a New American Security

1152 15th Street NW | Suite 950
Washington, DC 20005

Monday, December 4, 2017

5:30 pm - 7:30 pm

[REGISTER TODAY](#)

For questions, contact:

Jasmine Butler

jbutler@cnas.org

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What is the status of my trip request?

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 11/16/2017 8:56:46 PM
Subject: Pruitt to testify before EPW in late January 2018

By Anthony Adragna

11/16/2017 03:55 PM EDT

EPA Administrator Scott Pruitt will appear before the Senate Environment and Public Works Committee on Jan. 31, 2018, making his first return to the panel nearly a year after his confirmation, the panel announced today.

"It is important that EPA Administrator Pruitt testifies before the committee," Chairman John Barrasso said in a statement. "It will give senators the chance to hear about the important work being done at the agency."

Committee Democrats have already expressed outrage Pruitt hasn't returned since his confirmation in February so waiting more than two additional months likely won't mollify that the anger.

"Mr. Pruitt's appearance before our committee, which oversees the agency he leads, is long overdue," Ranking member Tom Carper said in a statement. "While I think it is unacceptable that members of this committee will have to wait over a year to hear directly from Administrator Pruitt, I am glad that a date has finally been set, and I look forward to his testimony on January 31st."

WHAT'S NEXT: Pruitt will testify on Jan. 31.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/11/pruitt-to-testify-before-epw-in-late-january-2018-102386>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Sun 10/15/2017 1:01:21 PM
Subject: Morning Consult Washington: Week in Review & What's Ahead

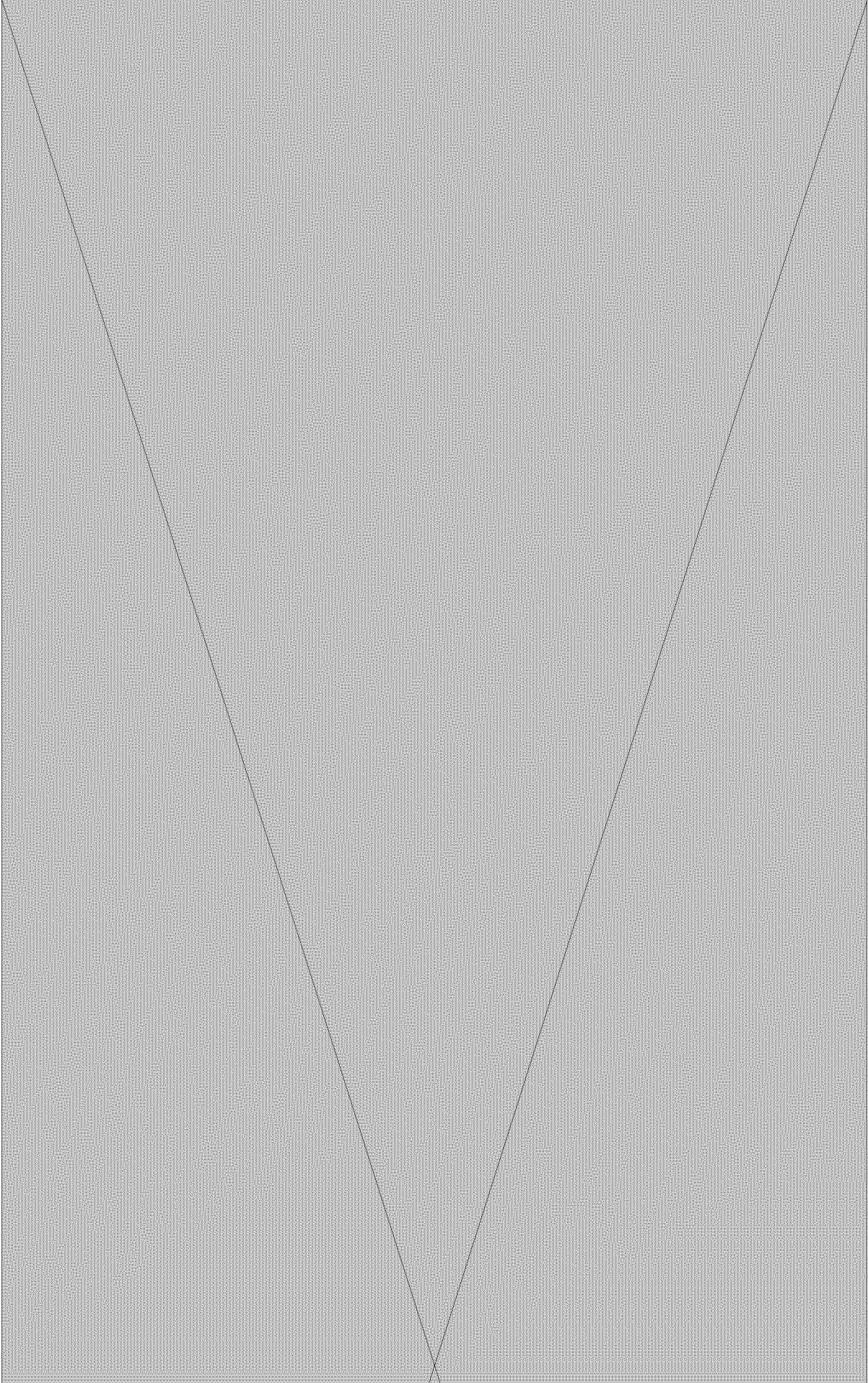


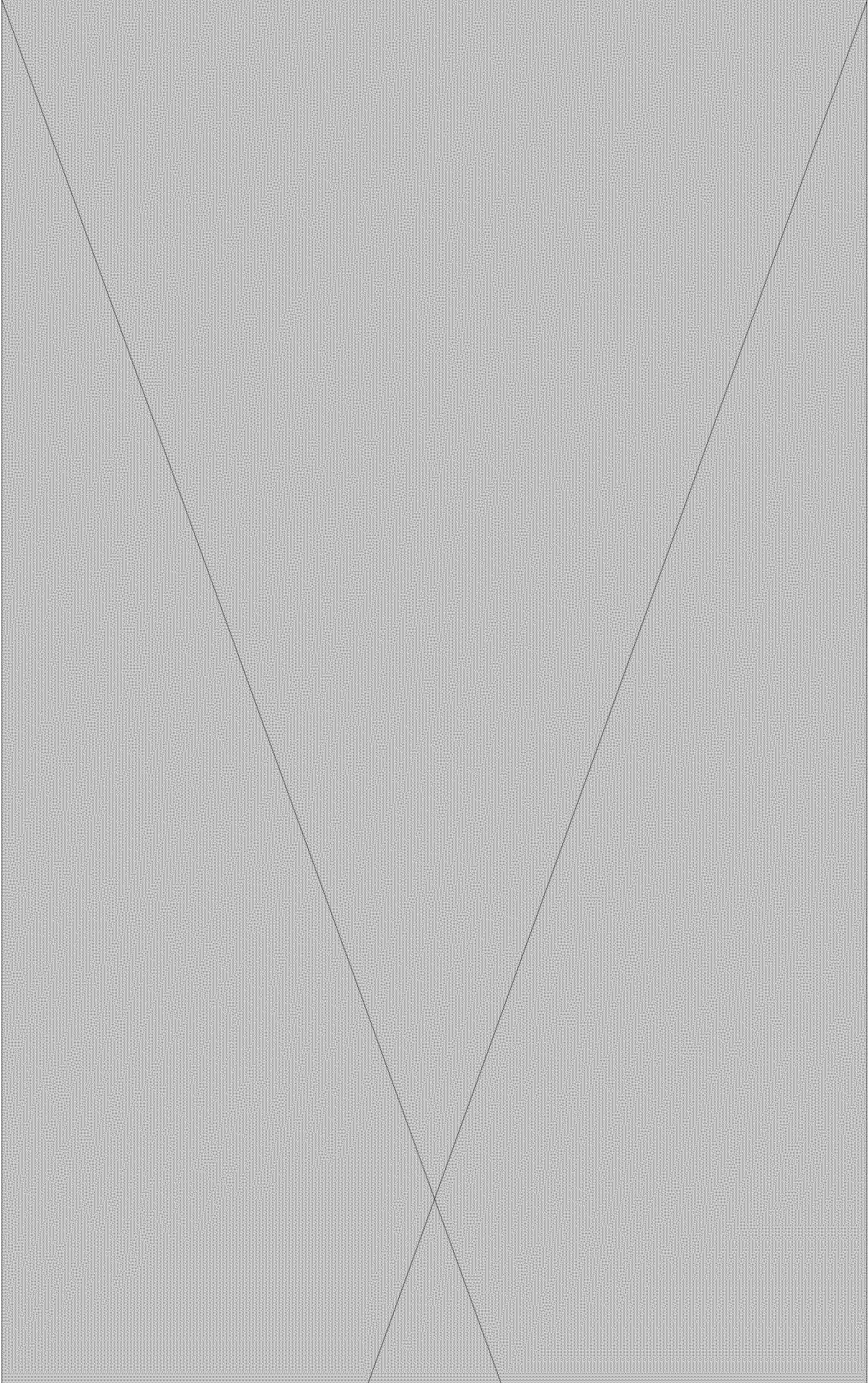
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
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Subject: Sponsored by the Auto Alliance: Are Consumers Buying Fuel Efficiency?





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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Women Rule
Sent: Tue 10/10/2017 5:57:09 PM
Subject: Speakers Announced | Women Rule Cocktails & Conversation - Women in STEM

Dear Samantha,

By now you have received an invitation to attend a cocktail conversation with the Women Rule community on women in science, technology, engineering and mathematics. We are pleased to now announce the following speakers for this event.

Phaedra Chrousos, Chief Innovation Officer, the Libra Group; Founding Commissioner, Technology Transformation Service
Denise Turner Roth, Senior Advisor, WSP; former Administrator, U.S. General Services Administration

When: TOMORROW, Wednesday, October 11th | 6:00 – 8:00 PM
Where: Google Offices | 25 Massachusetts Ave. NW – 9th Floor

We do hope you can join us on the 11th. Kindly RSVP to the event [here](#).

Best,

Women Rule

Women Rule is produced by POLITICO in partnership with our founding partners Google and the Tory Burch Foundation.

The 2017 Women Rule series is presented by Chevron.

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WITH PRESENTING SPONSOR



invite you to join

*an evening of community and conversation
with women in science, technology,
engineering and mathematics*

WEDNESDAY, OCTOBER 11 | 6:00 - 8:00 P.M.

GOOGLE OFFICES
25 MASSACHUSETTS AVE NW | 9TH FLOOR

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: InsideEPA.com
Sent: Mon 7/3/2017 2:28:54 PM
Subject: InsideEPA.com's The Week Ahead

July 3, 2017

THE WEEK AHEAD

EPA Weighs Comments On Stay Of Obama-era Power Plant Effluent Rule, TSCA Identifiers

EPA is taking input on a series of regulatory proposals this week, including its stay of an Obama-era utility Clean Water Act (CWA) effluent rule and the Trump EPA's proposal for how to identify chemicals deemed confidential under the new Toxic Substances Control Act (TSCA), among others.

[READ THE WEEK AHEAD →](#)

Inside EPA's Week Ahead is published every Monday to help you stay ahead of the news curve on the major environmental policy changes happening at EPA and the federal level.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 11/16/2017 7:50:14 PM
Subject: EPA seeks delay on WOTUS in case Supreme Court lifts stay

By Alex Guillén

11/16/2017 02:48 PM EDT

EPA and the Army Corps of Engineers today proposed delaying the effective date for the Obama-era Waters of the U.S. regulation as insurance against the upcoming Supreme Court decision on the proper venue for litigation.

The rule, also known as the Clean Water Rule, was originally to take effect on Aug. 28, 2015, although it was stayed by the 6th Circuit Court of Appeals in October 2015. That stay, however, could be dissolved soon by the Supreme Court, which is expected to rule in the coming months on whether WOTUS-related legal challenges must first go through district courts or should jump straight to the appellate level.

In the event the justices choose a district-first scheme, the 6th Circuit's nationwide stay would end. Thirteen states would still be covered by a stay issued by another federal judge in North Dakota, but WOTUS theoretically would apply to the other 37 states.

"This step will allow us to minimize confusion" as the agency works on the repeal and rewrite, EPA Administrator Scott Pruitt said in a statement.

It is unclear when EPA plans to finalize its repeal of the WOTUS rule, though officials have indicated it could be before the end of the year. The rewritten version is not expected to be proposed until next year.

The proposal would move WOTUS' effective date until two years after the proposal is finalized, which would place it sometime in 2020, almost five years after the original August 2015 start.

WHAT'S NEXT: EPA will take public comment for just 21 days once the proposal is published in the Federal Register.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/11/epa-proposes-changing-wotus-effective-date-as-supreme-court-weighs-venue-101101>

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From: EPA Press Office
Sent: Sat 10/14/2017 1:51:19 PM
Subject: CL: EPA Head Addresses Energy Issues

IN CASE YOU MISSED IT

EPA Head Addresses Energy Issues

Anna Wolfe
October 13, 2017

<http://www.clarionledger.com/story/news/local/2017/10/13/epa-water-energy-mississippi/757533001/>

U.S. Environmental Protection Agency Administrator Scott Pruitt visited Mississippi Thursday to discuss proposed changes to the Waters of the United States rule, just days after announcing the repeal of the Clean Power Plan.

The water rule sought to control pollution under the Clean Water Act of 1972 and had extended the federal government's authority over small waterways. Republicans and industry groups argue that it required costly and unnecessary permitting. The rule was also the subject of litigation.

Pruitt said he's meeting with government agencies and stakeholders across the country to get input on how to best craft the new definition of U.S. waters. The definition implemented in 2015, Pruitt argues, "has created substantial confusion."

"The whole focus that they said at the time was 'we're doing this to ensure certainty.' If that was their certainty, they failed miserably. Because truly, land use positions, jurisdictional determination, about where federal jurisdiction begins and ends, has never been more confusing."

Gov. Phil Bryant was among many governors who initiated a challenge to the Waters of the United States rule.

"Regulatory uncertainty has been the greatest impediment to economic growth over the last several years, and it's not just in the energy and environmental space. It's in finance. It's in health care. It's across a full spectrum of agency actions in Washington D.C.," Pruitt told The Clarion-Ledger. "But this WOTUS rule is one that I believe of the greatest example of uncertainty that was created because people literally quit using their land or they were concerned about using the land because of the potential for fines and penalties."

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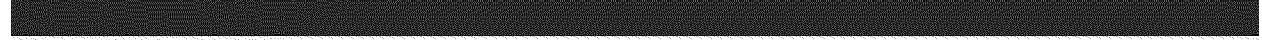
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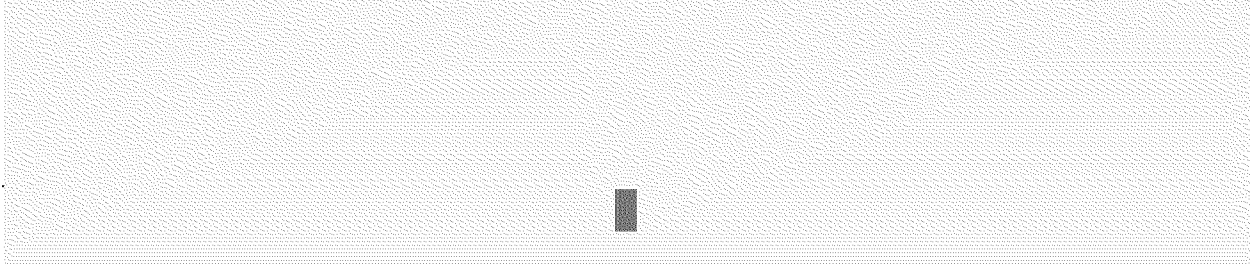
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From: Morning Consult
Sent: Fri 8/4/2017 12:55:34 PM
Subject: Morning Consult Washington, Presented by the Electronic Payments Coalition: Senate Adjourns for August Recess

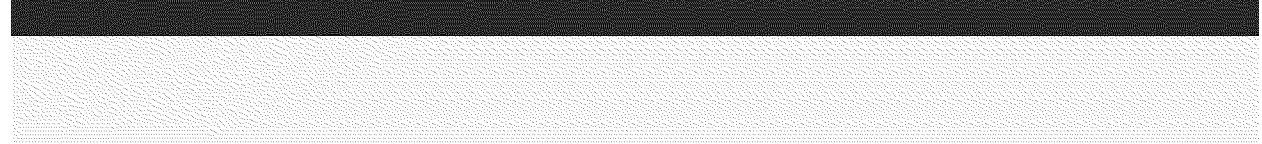


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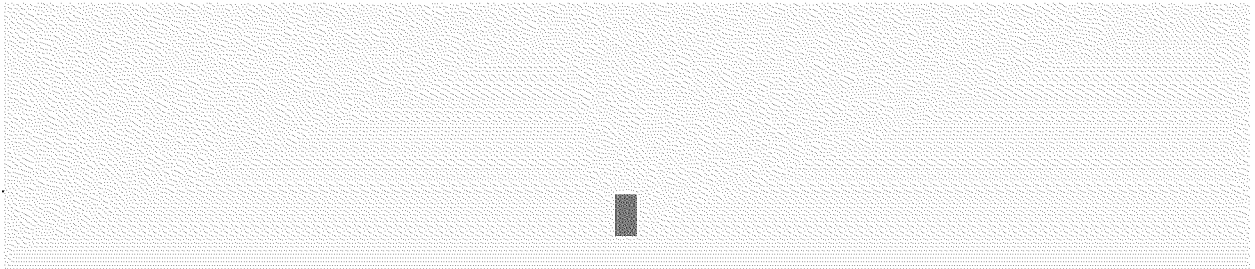


To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Tue 10/24/2017 12:40:24 PM
Subject: Morning Consult Washington, Presented by the Electronic Payments Coalition: Trump to Talk Tax Reform Today With Senate Republicans



-
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Thur 9/28/2017 2:32:10 PM
Subject: EPA Announces Appointment of Pete Lopez to Region 2 Administrator

CONTACT: press@epa.gov

EPA Announces Appointment of Pete Lopez to Region 2 Administrator

WASHINGTON (September 28, 2017) –Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt announced the appointment of Pete Lopez of New York to become Regional Administrator for Region 2. Mr. Lopez will oversee environmental protection efforts in New York, New Jersey, Puerto Rico, and the U.S. Virgin Islands.

Pete Lopez has served as a member of the New York State Assembly since 2007 representing a seven county region including Mid-Hudson, Northern Catskills, Southern Tier, and Capital District. Mr. Lopez is currently a member on the New York Assembly Committee on Environmental Conservation and a member of the Task Force on Food, Farm and Nutrition Policy where he has worked to provide proper oversight of New York's health and environment. While serving as a state legislator, Mr. Lopez has worked tirelessly to collaborate in developing and passing the state budget and promoting growth and opportunity for New Yorkers.

"Pete Lopez has spent nearly a decade in one of the country's largest state legislatures working to improve the quality of life of his constituents," **said Administrator Pruitt**. "His familiarity with the region and his experience working to solve environmental problems in New York will be invaluable in helping EPA serve Americans in the Northeast and the Caribbean."

His nomination is receiving high accolades from across the region:

Ladan Alomar, Executive Director of Centro Civico: "Pete Lopez, for more than two decades, has made substantial contributions to improving lives of families in our region; we applaud him for his unconditional commitment to communities that he serves and congratulate him for his appointment to become EPA Regional Administrator."

John Bartow, Executive Director of the Empire State Forest Products Association: "Pete Lopez has been a strong supporter of New York's forests and the forest products industry for several decades. He brings a broad understanding of the importance of sustainably managing natural resources while also meeting the needs of communities and local economies based on those resources. Pete will be a great asset to EPA and its responsibilities in New York, New Jersey, Puerto Rico and the US Virgin Islands."

Peter A. Baynes, Executive Director of the New York State Conference of Mayors: "In his time as a local official and then as a State Assemblyman, Pete Lopez has been widely recognized as a true public servant: hard-working, responsive, and a problem solver. NYCOM is pleased to know that Pete will now have the opportunity to demonstrate that same dedication in his new capacity with the EPA, working collaboratively with city and village officials to protect the environment and enhance the quality-of-life in our communities."

Mike Elmendorf, President & CEO of the Associated General Contractors of New York State: "We congratulate Administrator Pruitt on his appointment of Assemblyman Pete Lopez as EPA

Regional Administrator for Region 2. Pete Lopez is a proven leader and public servant, and we are confident that he will effectively balance responsible stewardship of our environmental resources with economic development, timely decision making and the need for streamlining our regulatory and permitting processes. We look forward to working with Assemblyman Lopez in his new role."

Gavin Donohue, President and CEO of the Independent Power Producers of New York: "In Pete's time with the Assembly, he took a balanced approach to energy and environmental policy. In the days after Hurricane Sandy, he had a pulse for what his local community needed and made sure those needs were met responsibly from an environmental standpoint. He will be a credit to the EPA, and independent power producers look forward to working with him."

David Fisher, New York Farm Bureau President: "New York Farm Bureau has had a long, positive working relationship with Pete Lopez. He understands the needs of the agricultural community and the important role farmers play in environmental stewardship. We look forward to working with him in his new position as Regional EPA Director. Together, we can successfully safeguard our natural resources while balancing the economic and regulatory challenges that farmers face."

Gerry Geist, Executive Director of Association of Towns of the State of New York: "As a former town supervisor and dedicated public servant, Assemblyman Pete Lopez has consistently found a way to help people by tackling difficult issues and looking for innovative solutions. We look forward to working with Mr. Lopez in his new role as EPA Region II Administrator to help town officials fund and maintain local water, wastewater and storm water infrastructure."

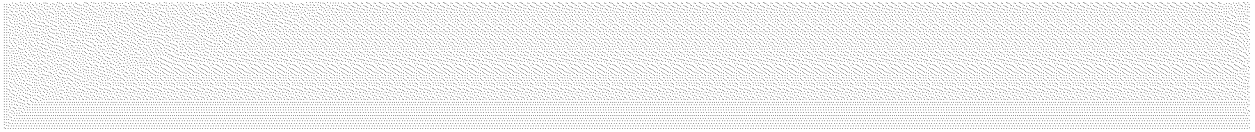
Bob Martin, New Jersey Department of Environmental Protection Commissioner: "Congratulations to New York Assemblyman Pete Lopez on being named EPA Region 2 Regional Administrator. Assemblyman Lopez has an impressive background in public service and I congratulate Administrator Pruitt on naming someone with the Assemblyman's record of accomplishment and leadership to this important post. I have had the chance to talk with Assemblyman Lopez and found that he has a strong commitment to protecting the environment, and especially, to working closely with the states and territories within his region. I am looking forward to working with him and the staff of dedicated professionals in EPA Region 2 as we continue to pursue our shared mission of protecting New Jersey's environment."

Anne Reynolds, Executive Director of the Alliance for Clean Energy New York: "We congratulate Assemblyman Pete Lopez on this important U.S. EPA appointment. New York has a long-standing and bipartisan tradition of environmental and clean energy leadership, and as a New Yorker, Assemblyman Lopez has experienced first-hand the impacts of severe storms and climate change. We look forward to working with Mr. Lopez as he continues this tradition, uses his well-respected skills at facilitation and problem-solving, and works to protect the air, water, and land of EPA Region 2."

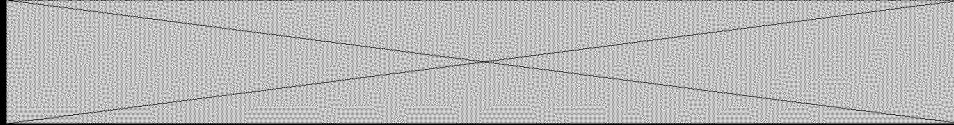
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the changes that have recently been implemented to address the intersection of technology and effective representation. We apply these rules to areas including use of the cloud, encryption of emails, use of public Wi-Fi, and other applications. The session will leave the participants with a better understanding of the importance of taking preventive measures to minimize their exposures to ransomware attacks and hacking.

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How to Conduct a Workplace Investigation: Reduce Employer Risks

September 6, 2017 @ 1 PM (ET)

The normal disciplinary process requires an employer to conduct a fair and thorough investigation before disciplining an employee. How the investigation is conducted often becomes the object of legal challenge and possible personal liability for the investigator. Further, the NLRB's recent confidentiality rules represent an additional requirement which employers must now add to their list of the do's and don'ts they need to be aware of when conducting an investigation. Please join us as we take you through the steps for conducting a thorough and lawful workplace investigation that helps you to decide if a disciplinary action is even warranted.

Doing Business in China: Structuring Your Deal and Protecting Intellectual Property

September 7, 2017 @ 1 PM (ET)

Companies often cannot afford not to do business in China. Whether producing goods there or selling to the Chinese market, companies that engage in business with Chinese partners need up-to-date legal advice on how to protect their technology and other intellectual property (IP) interests from being counterfeited, pirated, or otherwise misappropriated. Please join us as we explore the nuts and bolts of constructing a good business deal with a Chinese partner, what your agreements should include, and how to manage the Chinese IP rights framework to minimize your client's IP-related risks.

Indemnifications: Problems and Pitfalls, Advantages and Solutions

September 12, 2017 @ 1 PM (ET)

"Indemnity," quite simply, means a legal duty to make good on any loss, damage or liability incurred by someone else. Effectively, when you or your client assumes an indemnification obligation, the risk shifts from the other party directly onto you or your client's back. It's no exaggeration to state that they are the most common deal breakers in contract negotiations and the most hotly contested clauses when the contract goes south and winds up in litigation. Please join as we delve deep into the risk-management thicket of indemnities, other limitations on liability, and related considerations.

The War Against Fiduciaries: A Growing Trend in Trust & Estate Litigation

September 13, 2017 @ 1 PM (ET)

Since the financial crisis, trust and estate litigation has increased at an alarming rate. The most common targets in these lawsuits are the fiduciaries tasked with maintaining and distributing the trust and estate assets, with many lawsuits contending that fiduciaries are unable to effectively manage the complex trust and estate matters for which they are responsible. Further, plaintiffs can cast a wide net when it comes to individual liability exposure, meaning that any or all of the involved trustees, managers, employers, and even those who may have decided to transfer fiduciary duties to a third party are at risk. This webinar explores the different parties who are charged with a fiduciary duty, the duties and obligations of these fiduciaries, and the tools fiduciaries need to prepare for and fight on this growing battlefield.

The Art and Science of Asking Questions

September 14, 2017 @ 1 PM (ET)

Investigators—especially litigators and trial lawyers—know the importance of asking the right question to a client, a witness, and even a judge. Lawyers are professional investigators because they are paid to investigate by asking questions of witnesses and sources. This webinar offers specific and practical methods and techniques to improve questioning skills. The methods and techniques taught in this session will help you with client and witness interviews, depositions, and questioning trial witnesses or any other situation where you must efficiently and effectively gather facts or extract admissions through questioning.

Accounting, Financials and Deal Making for Lawyers: Speaking the Language of Business (Three-Session Series)

Three Session Series: September 19, 2017 @ 1 PM (ET), October 3, 2017 @ 1 PM and October 17, 2017 @ 1 PM (ET)

Business leaders often become frustrated with lawyers, whether in-house or external, for not having the ability to be conversant in basic business terms or understanding the financial data on which so many business decisions are made. Attorneys often do not have a working knowledge of the numbers backing those decisions, how those figures were reached, and how to accurately interpret and discuss them. In these three sessions, you will learn accounting terms important to the lawyer; how to read and interpret a financial statement, business terms and other jargon to help you converse with the CFO and other executives in their language; and how to use these critical skills when negotiating a contract, M&A deal, or other agreement.

Speaking the Business Lingo: Introduction to Accounting for Lawyers

September 19, 2017 @ 1 PM (ET)

This webinar provides the meaning for common terms found in the business environment such as GAAP, balance sheet, assets, and liabilities, and will also provide some resources and suggestions for understanding the client's needs when faced with discussions on these issues. The session will leave the participants with a working understanding of the importance of accounting knowledge and enhance their ability to have a business discussion.

Keys to Successful Contract Drafting: Four-Session Series on Crafting an Agreement That Protects Your Interests Now and When Something Goes Wrong

Four Session Series: September 26, 2017 @ 1 PM (ET), October 10, 2017 @ 1 PM, October 17, 2017 @ 1 PM (ET), and October 31, 2017 @ 1 PM (ET)

Most business relationships are memorialized by a written contract. Extreme care must be exercised to ensure that what appears on the printed page accurately reflects the wishes of the parties and provides sufficient safeguards for your client should an issue arise. This four-part series covers the common characteristics of many contracts and issues to consider when drafting your agreement to help you ensure that what appears in the written document reflects your client's needs should something go wrong.

The Foundation of Contract Drafting: The Devil Is in the Details

September 26, 2017 @ 1 PM (ET)

Experienced attorneys know that a well-drafted contract can serve to define the parties' relationship in an agreement in order to avoid conflicts down the road and as the vehicle for conflict resolution when things go south. Ambiguities, omissions and inconsistencies can doom the relationship and complicate any subsequent conflicts. Please join us as we discuss the core principles that should appear in any well-drafted contract to help ensure that the parties' relationship on paper is well-defined and includes the proper safeguards to protect your client's interests.

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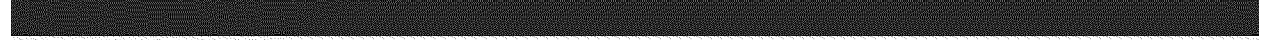
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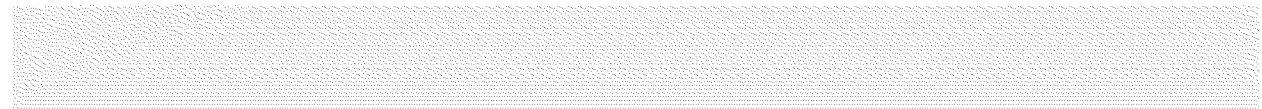
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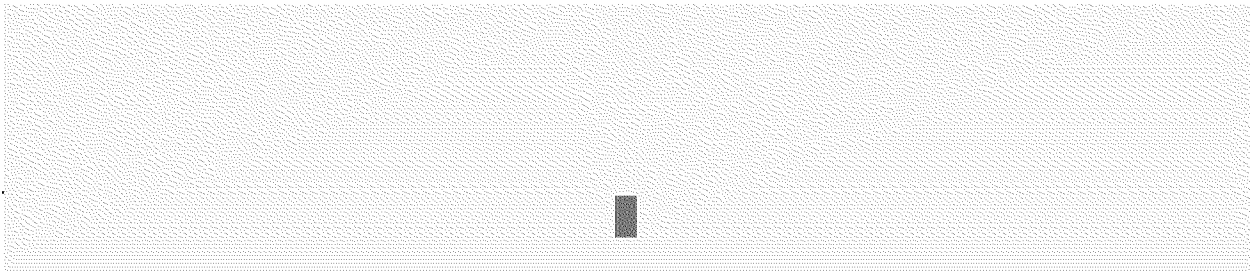
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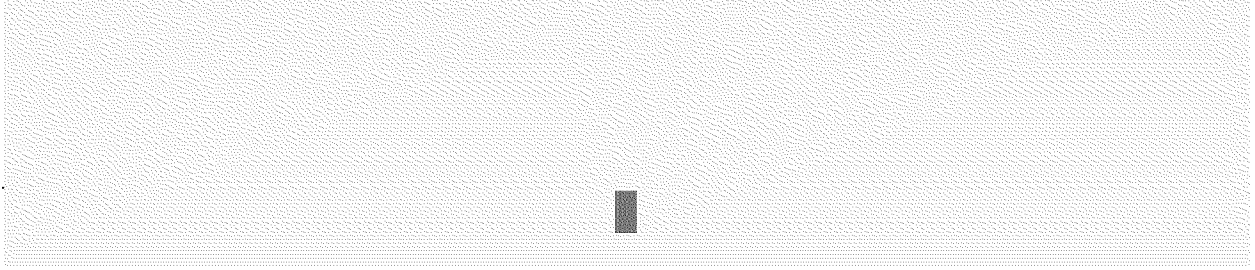
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From: EPA Press Office
Sent: Tue 10/24/2017 12:30:12 PM
Subject: WE: Regulatory scheme killed by EPA's Pruitt cost taxpayers \$69 billion

THE WASHINGTON EXAMINER

Regulatory Scheme Killed By EPA's Pruitt Cost Taxpayers \$69 Billion

Washington Examiner
Paul Bedard
October 24, 2017

<http://www.washingtonexaminer.com/regulatory-scheme-killed-by-epas-pruitt-cost-taxpayers-69-billion/article/2638414>

A practice known as "sue and settle" used by the Environmental Protection Agency to enact controversial regulations cost taxpayers \$69 billion since 2005 and has an annual cost of \$26 billion, according to a new report.

The American Action Forum found that "sue and settle," killed this month by EPA Administrator Scott Pruitt, also dumped millions hours of red tape on industries.

Pruitt ended the practice last week. During the Bush and Obama years, it was used by government activists and outside influence groups to force through new and costly regulations without the normal transparency required when rules are properly developed.

"Here's how it works," said Dan Bosch, the director of regulatory policy at AAF. "An interest group sues a federal agency alleging that the agency has not fulfilled its responsibility under the law. Rather than contest the lawsuit, the agency settles and enters into an agreement to initiate and/or expedite a rulemaking, complete with a legally binding deadline to promulgate."

He looked at the most expensive 23 regulations that went through the backdoor process and put a price-tag of \$68.9 billion on them. They also have \$26.5 billion in annual costs. And, he added, "16 of these rules imposed a paperwork burden of more than eight million hours."

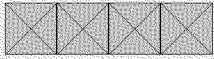
Businesses have cheered Pruitt's decision. When he made it, Pruitt said, "The days of regulation through litigation are over." He added, "We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency by special interest groups where doing so would circumvent the regulatory process set forth by Congress. Additionally, gone are the days of routinely paying tens of thousands of dollars in attorney's fees to these groups with which we swiftly settle."

The move was just the latest by the administration to target rules and regulations imposed by the Obama administration. Pruitt has been quick to put the brakes on EPA regulations he was handed and other agencies, notably the Interior Department, are also scrutinizing old rules.

Bosch said Pruitt's move will improve transparency.

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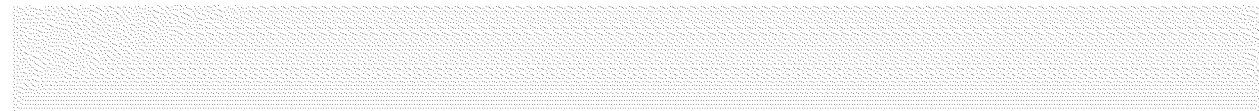
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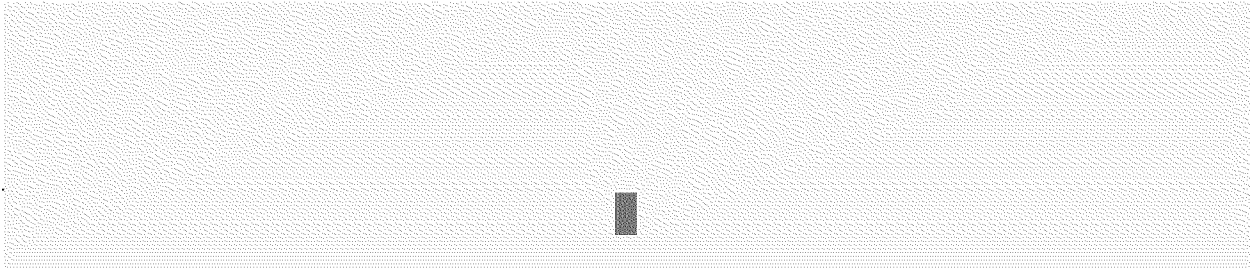
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From: EPA Press Office
Sent: Mon 10/23/2017 10:33:17 PM
Subject: PHOTOS: Administrator Pruitt Visits Agriculture Leaders in Tennessee

CONTACT: press@epa.gov

PHOTOS: Administrator Pruitt Visits Agriculture Leaders in Tennessee

NASHVILLE (October 23, 2017) – Today, Environmental Protection Agency (EPA) Administrator Scott Pruitt brought his state action tour to Tennessee in an effort to continue meeting with key stakeholders surrounding the Agency's recent decision to begin the process of rescinding the "Waters of the United States" (WOTUS) rule.

Administrator Pruitt visited the State Capitol where he met with Tennessee Governor Bill Haslam and other state officials to discuss the Agency's regulatory agenda.

After their meeting, Administrator Pruitt attended a Tennessee Farm Bureau event at Eddie Sanders' Farm in Franklin where he met with Tennessee Farm Bureau President Jeff Aiken and addressed attendees. While delivering his remarks, Administrator Pruitt empathized the EPA's desire to meet with stakeholders who went largely ignored during the previous Administration's rulemaking process and emphasized the need to receive input from stakeholders such as farmers and landowners when making major rulemaking decisions."

"The Trump Administration has made it a priority to meet with stakeholders across the country who went largely ignored by the last Administration," said Administrator Pruitt. "EPA is looking to expand our rulemaking process to include all voices so we can make determinations that help the American people, not harm them. By beginning the process to rescind WOTUS, we are helping assert regulatory certainty and helping landowners and farmers."

EPA Administrator Scott Pruitt meets with Tennessee Governor Bill Haslam.

EPA Administrator Scott Pruitt addresses members of the Tennessee Farm Bureau in Franklin.

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Subject: Democratic AGs sue EPA over missed ozone deadline

By Alex Guillén

12/05/2017 05:06 PM EDT

Fifteen Democratic attorneys general today sued EPA for missing a key deadline to implement the 2015 ozone standard.

EPA Administrator Scott Pruitt faced an Oct. 1 deadline to declare which parts of the country failed to meet the 2015 standard. Pruitt has issued designations for 85 percent of the nation's counties that either meet the standard or lack the data to make a decision. But he has not said which areas are in nonattainment, a designation that would require those states to write and implement a plan to clean up the air.

A number of the states involved face ozone pollution problems, including car-heavy California and New York as well as states in New England, which are often referred to as the "nation's tailpipe" since pollution from other states blows in their direction.

The AGs who joined the lawsuit include those from California, Connecticut, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Washington and the District of Columbia.

WHAT'S NEXT: The AGs' lawsuit comes one day after environmental and public health groups sued over the same issue. Both are in the U.S. District Court for Northern California.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/12/democratic-ag-sue-epa-over-missed-ozone-deadline-201911>

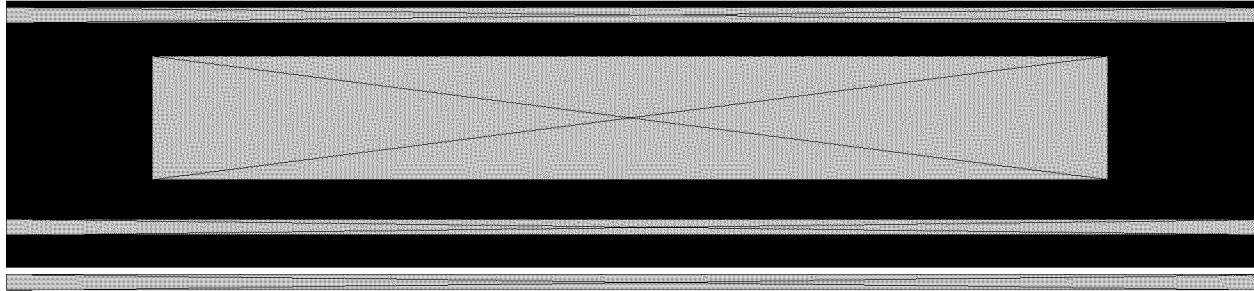
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protect your company's interests before that scenario takes place? Can you use a Non-Compete/Non-Solicitation Agreement to limit the damage? Yes, if you know how to draft one that is enforceable. Please join us as we examine the key considerations for requiring that employees sign a non-compete agreement, factors that will impact whether an agreement can be enforced, and alternatives to a non-compete agreement that should be considered.

How to Conduct a Workplace Investigation: Reduce Employer Risks

December 6, 2017 @ 1 PM (ET)

The normal disciplinary process requires an employer to conduct a fair and thorough investigation before disciplining an employee. How the investigation is conducted often becomes the object of legal challenge and possible personal liability for the investigator. Further, the NLRB's recent confidentiality rules represent an additional requirement which employers must now add to their list of the do's and don'ts they need to be aware of when conducting an investigation. Please join us as we take you through the steps for conducting a thorough and lawful workplace investigation that helps you to decide if a disciplinary action is even warranted.

JANUARY WEBINARS NOW AVAILABLE!

Attorneys and Privacy: Understanding Your Obligations and Professional Responsibility, Including Email and Electronic Communications

January 10, 2018 @ 1 PM (ET)

The Model Rules of Professional Conduct changed in the last few years to take a more proactive approach to privacy obligations for lawyers. This webinar provides an overview of the relevant rules of professional conduct and the changes that have recently been implemented to address the intersection of technology and effective representation. We apply these rules to areas including use of the cloud, encryption of emails, use of public Wi-Fi, and other applications. The session will leave the participants with a better understanding of the importance of taking preventive measures to minimize their exposures to ransomware attacks and hacking.

The Letter of Intent: A Tool That Can Cut Two Ways

January 11, 2018 @ 1 PM (ET)

The simplest definition of a Letter of Intent is "a document containing a declaration of the intentions of the writer." This simple, circular definition belies the ever-burgeoning body of case law generated by disputes over LOIs. These disputes typically turn on one recurring question: Did the parties to the LOI intend for it – or at least some of its terms – to be contractually binding? Consequently, commentators have frequently referred to LOIs as "minefields." This webinar explores why so many business people use LOIs, examines numerous examples and—where the LOI led to litigation—reviews the issues and outcomes in the reported court opinions.

Leave Law Quandary: When to Apply the ADA, FMLA and Workers' Compensation

January 11, 2018 @ 1 PM (ET)

Nothing can trip HR professionals up as much as the Bermuda triangle of leave laws, which include the Americans with Disabilities Act, the Family Medical Leave Act, and Worker's Compensation. Not only are these laws complicated and legalistic, but also they are difficult to apply correctly. What is a "Serious Health Condition" under the FMLA? Who is a "qualified individual with a disability"? When is a worker entitled to worker's compensation and how does it work when an employee is out on FMLA? What is a reasonable accommodation under the ADA? How does light duty fit into all of this? Please join us as we provide the answers to these and many more questions to help you steer clear of the problems that this Bermuda triangle of leave laws can create.

Employees with Chronic Illnesses: Understanding Your Legal Obligation to Accommodate

January 16, 2018 @ 1 PM (ET)

Many working-age adults with chronic health conditions are able to continue to work while being treated or expect to return to work once their treatment is completed. For HR this raises a new set of questions not only relating to the accommodations that may need to be made, but also whether and how the ADA and FMLA apply to those chronic illnesses and what these laws require HR to do. Please join us as we review your legal obligations under the ADA, FMLA and GINA for accommodating employees with chronic illnesses, and offer best practice tips for dealing with a perilous legal situation at a time of great employee stress.

How to Protect Your Organization from Sexual and Unlawful Harassment Complaints

January 23, 2018 @ 1 PM (ET)

As we have seen in the news recently, sexual harassment in the workplace is all too common. In too many cases,

organizations have ignored the claims or swept the issue under the rug. Recent victims' stories suggest that organizations are neither properly preventing harassment from occurring in their workplaces nor responding properly when an allegation is made. With many more victims likely to come forward, potentially even at your organization, you must ensure they you are ready and know how to properly respond. That said, preventing harassment from happening in the first place is critical to mitigate the organization's risk. This webinar provides best practices when responding to workplace harassment allegations and provides strategies to help your organization best protect itself from potential workplace harassment claims.

2018 Employment Law Outlook: New Year Brings New Traps and Enforcement Priorities

January 25, 2018 @ 1 PM (ET)

Labor and employment law continued to evolve across a number of different fronts in 2017 during and after the transition to a new administration, and the same is likely to continue throughout 2018. Ongoing uncertainties continue to impact employers as laws and regulations continue to change, particularly when it comes to issues such as the ACA employer mandate, FLSA requirements, the EEOC's strategies and enforcement agenda, new OFCCP regulations and requirements, and a number of other areas. This practical webinar offers analysis and guidance relating to the ongoing and new compliance challenges you will be dealing with throughout 2018, and helps you to understand the key points not to be overlooked when facing these new requirements.

How to Conduct an HR Audit: A Comprehensive HR Compliance Report Card

January 25, 2018 @ 1 PM (ET)

Your company's ability to effectively comply with federal and state employment laws and regulations depends on a number of factors including: employee training; current, clear and comprehensive employment policies and procedures; and your decision makers' understanding of (and ability to navigate within) the applicable legal and regulatory landscape. One of the best ways to ensure ongoing HR compliance is to periodically conduct an HR audit. Learn how to conduct an HR Audit that will not only leave you with a better understanding of the applicable laws and regulations, but also with a practical plan for ensuring the various federal and state legal requirements are addressed in your HR policies, forms and other documentation, and by management on a day-to-day basis.

Non-Compete Agreements and Restrictive Covenants: Protecting Your Organizational Investments and Interests

January 30, 2018 @ 1 PM (ET)

You make great investments in training, support and developing an employee and then that person leaves and uses all of that special knowledge to take your customers and business secrets to a competitor. How can you protect your company's interests before that scenario takes place? Can you use a Non-Compete/Non-Solicitation Agreement to limit the damage? Yes, if you know how to draft one that is enforceable. Please join us as we examine the key considerations for requiring that employees sign a non-compete agreement, factors that will impact whether an agreement can be enforced, and alternatives to a non-compete agreement that should be considered.

Telecommuting Employee Regulatory Requirements: Step-by-Step Employer Review

January 31, 2018 @ 1 PM (ET)

It's estimated that nearly two-thirds of employers offer some form of work-at-home employment arrangement for their employees. Yahoo, however, appears to be bucking the trend with its recent announcement that it will no longer encourage telecommuting for its workforce. Regardless of your employer's position, many employers fail to pay enough attention to the regulatory requirements and the related risks and potential liabilities that go along with at-home employee work arrangements. Please join us for step-by-step guidance on how to avoid the legal pitfalls associated with your telecommuting workforce.

DECEMBER WEBINARS AVAILABLE!

Corporate Governance and Interacting with the Board: The Financial Officer's Role in Decision-Making

December 13, 2017 @ 1 PM (ET)

Executives and the board of directors frequently look to the financial officer for advice to keep them (and the business) out of trouble. As such, the financial officer role has become more and more entrenched in the corporate decision-making process. Financial officers need to understand how to work with the board effectively, balancing their legal and business obligations to the company. Please join us as we examine the important relationship between the corporate board and the financial officer and provide strategies to ensure a successful partnership.

Psychiatric Disabilities: How to Accommodate & Reduce Employer Risk and Liability

December 13, 2017 @ 1 PM (ET)

Do you know: what qualifies as a psychiatric disability ... how an employee's psychiatric disability is determined ... what types of accommodation an employer is required to make ... which regulations, in addition to Americans with Disabilities Act, determine the employer's response? Let us take you step-by-step through what you should consider -- from certifying an employee as having a psychiatric disability and required employer accommodations, all the way to the additional regulations which an employer should be concerned with as well.

Hiring Employees in Canada or Mexico? Employment and Labor Law Issues You Need to Know

December 20, 2017 @ 1 PM (ET)

Despite their geographic proximity to the United States, Canada and Mexico have employment and labor laws that differ materially from those of the United States, with many more laws that protect the employment, compensation, separation and data privacy rights of employees. Please join us as we focus on many of the employment and labor laws of Canada and Mexico that U.S. and other multi-national employers interested in hiring employees in Canada and/or Mexico, or placing employees in either country, should understand in order to best comply with the laws and leverage their business opportunities.

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Subject: Green groups sue EPA over TSCA rules

By Annie Snider

08/14/2017 01:21 PM EDT

Environmental groups have filed a suite of lawsuits challenging a pair of chemical safety rules finalized by the Trump administration last month.

The suits, filed Friday by [Earthjustice](#) in the 9th Circuit Court of Appeals in San Francisco, and [Environmental Defense Fund](#) in the 2nd Circuit Court of Appeals in New York, contest the two "framework rules" for implementing last year's bipartisan overhaul of the Toxic Substances Control Act. The rules govern how EPA will prioritize and conduct evaluations of tens of thousands of chemicals that are already on the market in the U.S.

In particular, the suits challenge the rules' approach to excluding certain uses of chemicals from EPA's evaluation of the substance's safety. Green groups argue that, under the law, EPA must analyze all of a substance's likely uses.

"Unfortunately, in straying from the letter and intent of that law, the EPA's framework rules leave the public at risk from chemicals commonly found in our homes, schools and workplaces," Richard Denison, lead senior scientist for Environmental Defense Fund, said in a statement. "Our legal challenges seek to hold EPA to the law and ensure that the public is protected as Congress intended."

EPA did not immediately respond to a request for comment on the lawsuits.

WHAT'S NEXT: The two appellate courts will decide whether to allow the lawsuits to proceed.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/08/green-groups-sue-epa-over-tsca-rules-091777>

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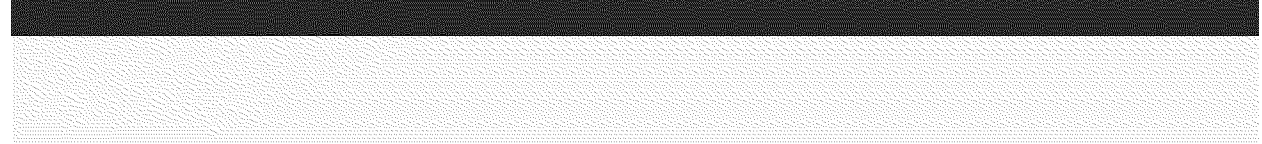
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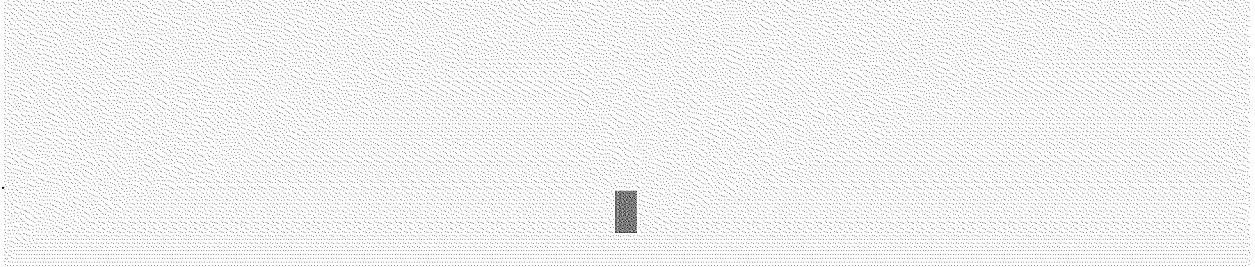
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Contact Information: press@epa.gov

EPA Announces Intent to Revisit Provisions of Phase 2 Heavy-Duty Rules

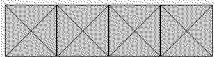
WASHINGTON (August 17, 2017) —The U.S. Environmental Protection Agency (EPA) announced today its intent to revisit provisions of the Phase 2 Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines following concerns raised by stakeholders in the trailer and glider industry.

“In light of the significant issues raised, the agency has decided to revisit the Phase 2 trailer and glider provisions,” **said EPA Administrator Scott Pruitt**. “We intend to initiate a rulemaking process that incorporates the latest technical data and is wholly consistent with our authority under the Clean Air Act.”

Background:

In September 2011, EPA and the National Highway Traffic Safety Administration (NHTSA) issued greenhouse gas (GHG) emissions and fuel efficiency standards for medium- and heavy-duty vehicles for model year 2014-2018 (“Phase 1”). These standards applied to newly manufactured engines, tractors, vocational vehicles, large pickups, and vans. In October 2016, EPA and NHTSA updated the standards for medium- and heavy-duty vehicles MY 2021-2027 (“Phase 2”), and regulated trailers and gliders – for the first time under the GHG program – with compliance deadlines beginning in 2018.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Center for a New American Security
Sent: Mon 8/28/2017 3:42:15 PM
Subject: CNAS Private Roundtable: The Future of U.S. Climate Leadership

CNAS North Korea Sanctions Panel Event and Report Launch

A CNAS EVENT INVITATION

The Future of U.S. Climate Leadership

Thursday, September 14, 9:30 am to 11:00 am

A private roundtable with remarks by:

George David Banks
Special Assistant to the President
for International Energy and the Environment
National Security Council

Elgie Holstein
Senior Director for Strategic Planning
Environmental Defense Fund

Presented by:

Elizabeth Rosenberg, CNAS Program Director and Senior Fellow, will host.

David Gordon, CNAS Adjunct Senior Fellow, will moderate.

Divya Reddy, Eurasia Group Practice Head, will serve as a discussant.

Please join us for a private, off-the-record roundtable to discuss the future of U.S. climate leadership. The dust is now settling on President Donald Trump's controversial decision to withdraw the United States from the 2015 Paris Agreement on climate change. We must now focus on climate policy issues facing the United States – both international and domestic – in the aftermath of leaving the Paris Agreement. At this time, the starting point for effective policy should be to do what is principled yet practical. The discussion will focus on the following questions: (1) How should the U.S. administration craft a climate agenda that serves U.S. interests? (2) Is the strategic implication of the U.S. withdrawal from the Paris agreement in order to focus on clean energy a concept around which U.S. stakeholders can rally? (3) Can the United States remain a global leader on climate policy?

The event will coincide with the launch of a CNAS report on "**After-Paris: A Climate Agenda that Serves U.S. Interests**" by David F. Gordon, Divya P. Reddy, and Elizabeth Rosenberg.

Please note that this is a private, off-the-record event and invites are non-transferrable. **To RSVP to this event, please contact Kaleigh Thomas at kthomas@cnas.org.**

Center for a New American Security

1152 15th Street NW | Suite 950
Washington, DC 20005

Thursday, September 14, 2017

9:30 am - 11:00 am

George David Banks serves as Special Assistant to the President for International Energy and Environment. Banks was previously Executive Vice President of the American Council for Capital Formation, a business association based in Washington, D.C. Banks also served as GOP Deputy Staff Director of the Senate Environment and Public Works Committee and Senior Adviser on International Climate at the Council on Environmental Quality under President George W. Bush. He also worked as a diplomat for the U.S. State Department and analyst for the Central Intelligence Agency. Banks holds a B.A. in economics, history, and political science and an M.A. in economics from the University of Missouri, as well as a J.D. from George Mason University.

Elgie Holstein serves as the Senior Director for Strategic Planning at the Environmental Defense Fund. In this role, he coordinates strategy and policy work and represents EDF's programs to policymakers, supporters, and the media. Holstein brings extensive career experience — having held a number of senior positions in government and the private sector — with a focus on energy, natural resources, and environmental policy. Holstein's government service has included senior positions in which he has been responsible for a variety of natural resources, environmental, science, energy, and economic policy issues. Those positions include Associate Director of Office of Management and Budget for Natural Resources, Energy and Science; Special Assistant to the President for Economic Policy, White House National Economic Council; Assistant Secretary of the National Oceanic and Atmospheric Administration; and Chief of Staff, U.S. Department of Energy.

The Center for a New American Security (CNAS) is an independent and nonpartisan research institution that develops strong, pragmatic and principled national security and defense policies. CNAS leads efforts to help inform and prepare the national security leaders of today and tomorrow.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Mon 8/14/2017 3:45:15 PM
Subject: Administrator Scott Pruitt Talks About EPA, WOTUS and Baseball

IN CASE YOU MISSED IT ...

Administrator Scott Pruitt Talks About EPA, WOTUS and Baseball

WASHINGTON - Last week, Administrator Scott Pruitt was in Des Moines, Iowa where he sat down with KCCI's Close Up and WHO's The Insiders, which aired yesterday morning.

[Click Here To Watch Scott Pruitt On KCCI-TV Des Moines](#)

[Click Here To Watch Scott Pruitt On WHO-TV Des Moines](#)

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Thur 8/3/2017 10:23:53 PM
Subject: PHOTOS: Pruitt Continues State Action Tour in Colorado

Contact Information: press@epa.gov

PHOTOS: Pruitt Continues State Action Tour in Colorado

DENVER (August 3, 2017) — U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt continued his state action tour in Colorado today, marking the seventh state visit in three weeks.

"There is now hope and optimism for farmers, ranchers and agribusinesses across the country. Two years ago, senior EPA officials with the previous Administration visited Frasier Ranch promising this same audience that agriculture would experience no adverse effects by the 2015 WOTUS rule," **said EPA Administrator Scott Pruitt**. "Unfortunately, that couldn't have been further from the truth. Today, I returned to the farm to ensure Coloradans regulatory certainty and return traditional oversight back to the states and prioritize keeping Colorado's water clean."

Administrator Pruitt began his visit by addressing Cloud Peak Energy in Broomfield, Colo. to discuss the Agency's agenda to enact sensible energy policy that promotes environmental stewardship while unnecessarily harming jobs. Following his address, Administrator Pruitt visited Fraiser Ranch in Woodrow, Colo. where he discussed EPA's recent decision to begin the process of redefining the definition of a "Waters of the United States" (WOTUS) rule that would seek to provide regulatory certainty for farmers, ranchers, and land owners and also empower traditional regulatory roles for state governments.

EPA Administrator Scott Pruitt discusses WOTUS with Fraiser Ranch employees in Woodrow, Colo.

EPA Administrator Scott Pruitt greets Fraiser Ranch employees in Woodrow, Colo.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Tue 10/10/2017 4:30:03 PM
Subject: EPA Proposes Repeal Of Clean Power Plan

CONTACT: press@epa.gov

EPA Takes Another Step To Advance President Trump's America First Strategy, Proposes Repeal Of "Clean Power Plan"

WASHINGTON (October 10, 2017) – Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt issued a Notice of Proposed Rulemaking (NPRM), proposing to repeal the so-called “Clean Power Plan (CPP).” After reviewing the CPP, EPA has proposed to determine that the Obama-era regulation exceeds the Agency’s statutory authority. Repealing the CPP will also facilitate the development of U.S. energy resources and reduce unnecessary regulatory burdens associated with the development of those resources, in keeping with the principles established in President Trump’s Executive Order on Energy Independence.

“The Obama administration pushed the bounds of their authority so far with the CPP that the Supreme Court issued a historic stay of the rule, preventing its devastating effects to be imposed on the American people while the rule is being challenged in court,” **said EPA Administrator Scott Pruitt.** “We are committed to righting the wrongs of the Obama administration by cleaning the regulatory slate. Any replacement rule will be done carefully, properly, and with humility, by listening to all those affected by the rule.”

CPP Appears to be Inconsistent with the Clean Air Act

The CPP, issued by the Obama administration, was premised on a novel and expansive view of Agency authority that the Trump administration now proposes to determine is inconsistent with the Clean Air Act. In fact, the CPP was put on hold in February 2016, when the U.S. Supreme Court issued an unprecedented, historic stay of the rule.

“EPA will respect the limits of statutory authority. The CPP ignored states’ concerns and eroded longstanding and important partnerships that are a necessary part of achieving positive environmental outcomes. We can now assess whether further regulatory action is warranted; and, if so, what is the most appropriate path forward, consistent with the Clean Air Act and principles of cooperative federalism,” **said Administrator Pruitt.**

The CPP was issued pursuant to a novel and expansive view of authority under Section 111 of the Clean Air Act (CAA). The CPP required regulated entities to take actions “outside the fence line.” Traditionally, EPA Section 111 rules were based on measures that could be applied to, for, and at a particular facility, also referred to as “inside the fence line” measures. Prior to the CPP being issued, every single Section 111 rule on the books, including a handful of existing source rules and around 100 new-source rules, obeyed this limit. As the CPP departed from this traditional limit on EPA’s authority under an “inside the fence line” interpretation, EPA is proposing to repeal it.

EPA has now sent the NPRM to the Federal Register for publication. Upon publication, the public will have 60 days to submit comments.

The repeal package includes:

1. The “preamble,” which lays out the proposed legal interpretation, policy implications, and a summary of the cost-benefits analysis of the proposed repeal; and
2. The “Regulatory Impact Analysis (RIA),” an in-depth cost-benefit technical analysis.

CPP Repeal Saves up to \$33 Billion in Avoided Costs in 2030

The proposed repeal both examines the Obama administration’s cost-benefit analysis, as well as provides insights to support an updated analysis of the environmental, health, and economic effects of the proposed repeal. The Trump administration estimates the proposed repeal could provide up to \$33 billion in avoided compliance costs in 2030.

The previous administration’s estimates and analysis of these costs and benefits was, in multiple areas, highly uncertain and/or controversial. Specific areas of controversy and/or uncertainty in the Obama administration’s analysis of CPP include:

- **Domestic versus global climate benefits:** The previous administration compared U.S. costs to an estimate of supposed global benefits, and failed to follow well-established economic procedures in estimating those benefits.
- **“Co-benefits” from non-greenhouse-gas pollutants:** The Obama administration relied heavily on reductions in other pollutants emitted by power plants, essentially hiding the true net cost of the CPP by claiming benefits from reducing pollutants that had nothing to do with the rule’s stated purpose.
- **Energy cost and savings accounting:** The Obama administration counted “energy efficiency” results of their rule as an avoided cost, resulting in a cost estimate being considerably lower than it would have been if they used the appropriate practice of considering these effects as benefits, rather than subtracting them from costs. Had the Obama administration used the Office of Management and Budget’s longstanding requirements and accounted cost and savings accordingly, it would have presented a more accurate accounting of the total cost of the CPP.

In this proposed repeal and its accompanying technical documents, this administration is, in a robust, open, and transparent way, presenting a wide range of analysis scenarios to the public.

As part of the notice-and-comment process for this proposed repeal, EPA will continue this analysis and inform the public, as necessary, to get feedback on new modeling and other information. The final action on this proposed repeal will address the results of this ongoing work.

Forthcoming is an Advanced Notice of Proposed Rulemaking (ANPRM) that will be reflective of a thoughtful and responsible approach to regulatory action grounded within the authority provided by the statute.

“With this action, the Trump administration is respecting states’ role and reinstating transparency into how we protect our environment,” **said Administrator Pruitt.**

Background:

On March 28, President Trump signed an Executive Order on Energy Independence, establishing a national policy in favor of energy independence, economic growth, and the rule of law. The purpose of the Executive Order (EO) is to facilitate the development of U.S. energy resources and to reduce unnecessary regulatory burdens associated with the development of those resources. That same day, EPA Administrator Scott Pruitt signed four Federal Register notices in response to the EO, including a formal announcement of review of the Clean Power Plan. After substantial review, the Agency has proposed to determine that the Clean Power Plan (CPP) must be repealed.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Thur 11/30/2017 8:20:02 PM
Subject: PHOTOS: EPA Administrator Pruitt Visits Kentucky

EPA Administrator Pruitt Visits Kentucky *Meets with Farmers and State Officials*

Louisville, Ky. (November 30, 2017) – Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt visited Kentucky to address members of the Kentucky Farm Bureau Federation and meet with Governor Matt Bevin and members of his cabinet to discuss ways to strengthen the Agency's partnership with the state.

"Farmers and ranchers are some of the nation's first environmentalists," **said EPA Administrator Scott Pruitt**. "We should be working with them, as partners, to conserve our natural resources – while continuing to support and grow our local economies."

While meeting with the Kentucky Farm Bureau, Administrator Pruitt discussed a variety of environmental issues. The topics included EPA's recent proposal to rescind the 2015 "Waters of the United States" (WOTUS) rule to help ensure regulatory certainty for America's farmers and landowners and prioritize keeping America's water clean. He also discussed the Agency's new requirements on the pesticide dicamba that will allow farmers to make informed choices for seed purchases for the upcoming 2018 growing season and minimize potential drift to damage neighboring crops.

Following the farm bureau meeting, the Administrator joined Kentucky Governor Bevin and some of his cabinet officials for a working lunch.

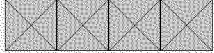
"America is blessed to have a public servant like EPA Administrator Scott Pruitt, who works diligently to be a good steward of the earth and protect America's working class," **said Governor Matt Bevin**. "His time spent with local, state and federal officials to enact thoughtful environmental regulations has been extraordinary, and we are thankful for his leadership."

"We appreciate the EPA Administrator visiting our annual meeting to listen to farmers about their conservation efforts and concerns related to their operations," **said Kentucky Farm Bureau President Mark Haney**. "Administrator Pruitt, a fellow Kentuckian, knows the hard work our farmers put in on a daily basis to keep our farms financially and environmentally sustainable."

EPA Administrator Scott Pruitt addresses members of the Kentucky Farm Bureau.

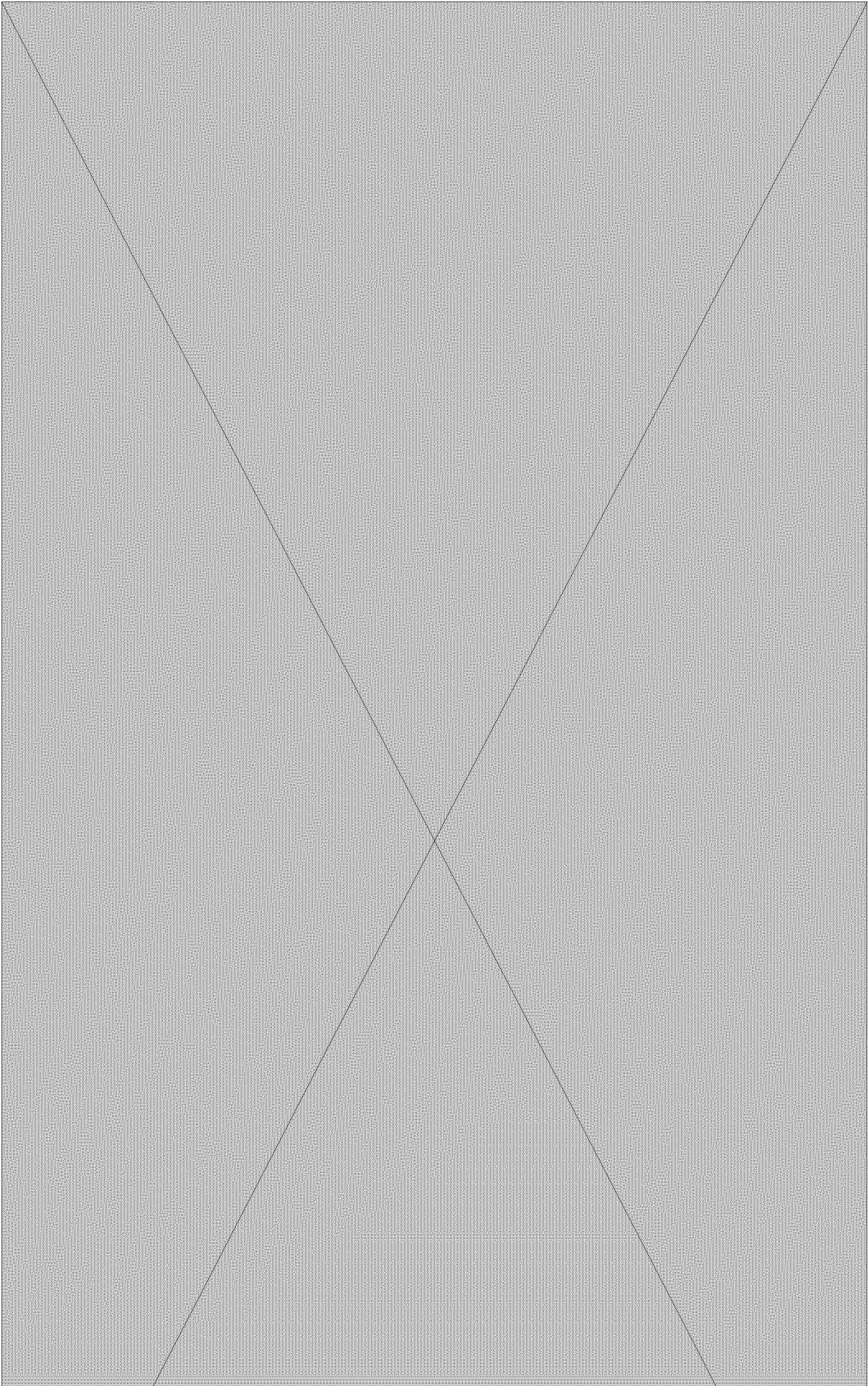
EPA Administrator Scott Pruitt meets with Kentucky Governor Matt Bevin and members of his cabinet.

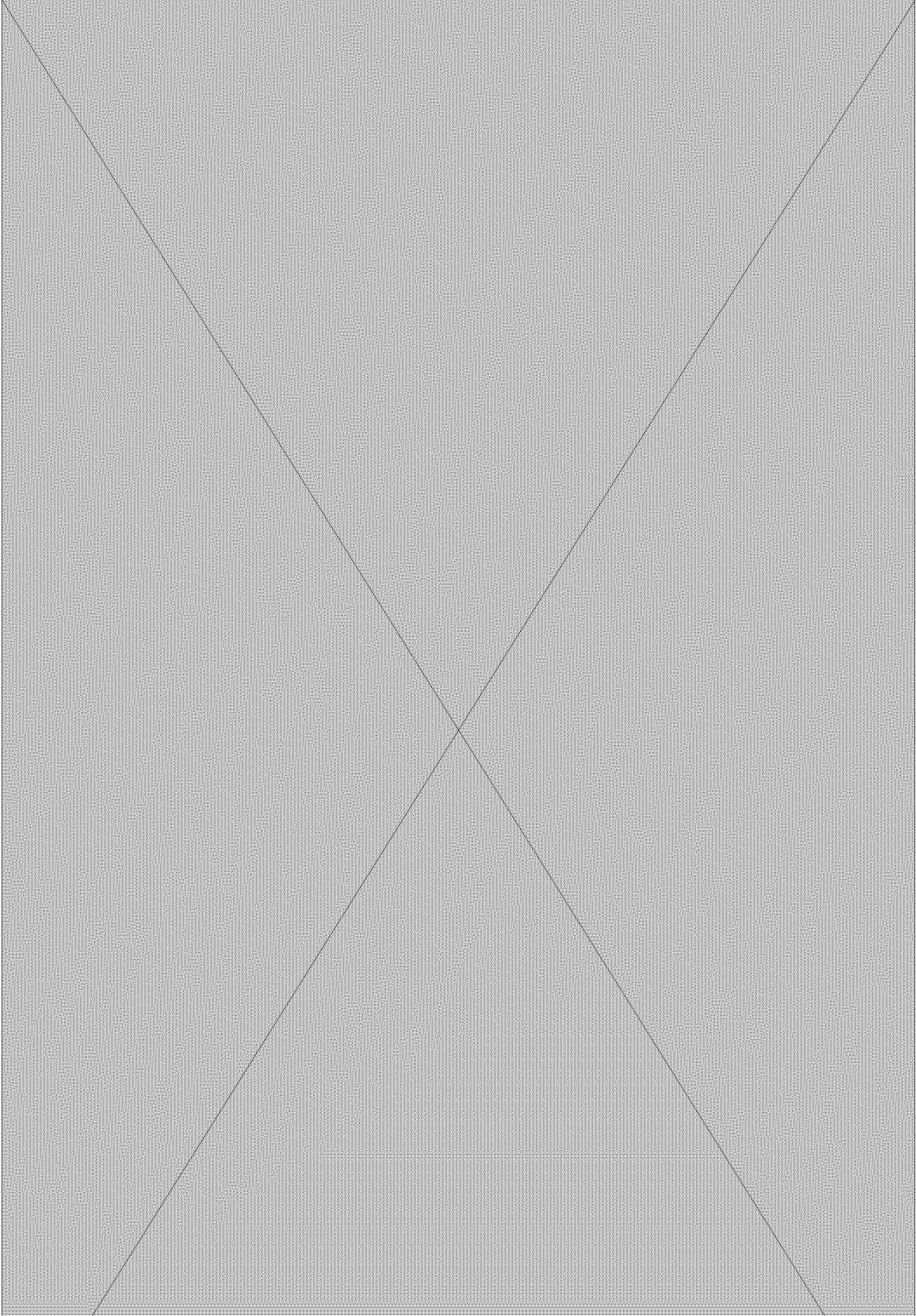
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Tue 11/14/2017 5:31:15 PM
Subject: Sponsored by Facebook and C_TEC: Small Businesses are Growing with Facebook





This email was sent by: **Morning Consult**
PO Box 27068 Washington, DC, 20038, US

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy
Sent: Thur 7/27/2017 9:45:00 AM
Subject: Morning Energy, presented by Chevron: Pruitt's next step on power plants — Energy retribution for Murkowski's healthcare vote? — Largest U.S. wind farm announced

By Anthony Adragna | 07/27/2017 05:41 AM EDT

With help from Alex Guillén, Esther Whieldon, Eric Wolff and Annie Snider

ESCAPE PLAN FOR COAL PLANTS? EPA Administrator Scott Pruitt is ready to let coal-fired power plants off the hook for their contribution to climate change, based on a novel legal argument that the Clean Air Act bars him from further regulating carbon dioxide emissions from existing power plants because a separate Obama-era regulation on toxic mercury emissions already applies to them, Pro's Alex Guillén reports, citing multiple sources with knowledge of his plan. That approach echoes a novel interpretation of the statute Pruitt leaned into as Oklahoma attorney general, but it would avoid an all-out brawl over the established science on climate change.

The argument, known throughout Washington's legal circles as the "112 exclusion," says EPA cannot regulate carbon emissions from power plants under section 111(d) of the Clean Air Act because section 112 already goes after hazardous air pollutants from those sources. A federal appeals court never ruled on the matter before pausing the case in the wake of President Donald Trump's election, but several judges on the D.C. Circuit appeared skeptical of it during oral arguments last year. Environmental groups, meanwhile, are ready to fight the planned repeal of the Clean Power Plan, including the 112 exclusion argument, and Pruitt's broader claim that the Clean Air Act does not give EPA the proper tools to fight climate change.

Pruitt's approach won't be enough for some: Conservatives want Pruitt's EPA to go further still by overturning the agency's 2009 endangerment finding that classified carbon dioxide as a pollutant. That approach has divided coal companies, with one industry source saying entities are split over whether Pruitt should repeal the endangerment finding or pursue more lenient rules that would not force plants to shut down. "The more they look at it, the more they're going to realize they need to re-open and revise the endangerment finding," said Myron Ebell, director of the Center for Energy and Environment at the Competitive Enterprise Institute and the Trump administration's EPA transition team leader. Pruitt is not expected to repeal the endangerment finding in the near term, though he has announced plans for a "red team/blue team" debate of the consensus on climate change.

WELL FOLKS, IT'S THURSDAY! I'm your host Anthony Adragna, and former Rep. Kerry Bentivolio (a former reindeer rancher) won a general election while losing a special one on the same day back in 2014. For today: Who holds the record for shortest tenure as House Speaker? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

NOT TOO SUBTLE: One day after Senate Energy Chairman Lisa Murkowski voted against beginning debate on Obamacare repeal, Interior Secretary Ryan Zinke called both Alaska

senators to warn their energy priorities were suddenly at stake, the Alaska Dispatch News reports. "I'm not going to go into the details, but I fear that the strong economic growth, pro-energy, pro-mining, pro-jobs and personnel from Alaska who are part of those policies are going to stop," Sen. Dan Sullivan said. "The message was pretty clear." Among the priorities now at risk, according to the paper: the nominations of Alaskans to Interior Department posts, a long-sought one-lane gravel road from the isolated southwestern Alaska village of King Cove, and expanded drilling opportunities throughout the state.

MOVING THAT MINI-BUS! Lawmakers moved their way through dozens of amendments on the Energy and Water-filed mini-bus package H.R. 3219 (115) late Wednesday night. Expect lawmakers to finish two remaining votes on Energy and Water amendments today ahead of a final vote on the mini-spending package on Friday. Among the measures of interest to ME readers:

— Lawmakers approved by voice vote Rep. Paul Gosar's amendment barring the development of any rule or guidance document related to the social cost of carbon.

— A bid by Democrats to strip a rider insulating the Trump administration's withdrawal of the Waters of the U.S. regulation from legal challenges failed by voice vote.

— Rep. Scott Perry's amendment adding \$15 million to the Office of Energy Efficiency and Renewable Energy by taking away from DOE's administration fees and Rep. David McKinley's amendment restoring fossil energy funding to fiscal 2017 levels passed by voice vote. — A bid to add \$921 million to EERE by pulling from the nuclear weapons program failed by voice vote, as did several smaller efforts.

— Ohio Republican Steve Stivers' push to block any funding for Cape Wind, the offshore wind project in Massachusetts' Nantucket Sound that has been stalled for years, passed by voice vote.

— Efforts by Nevada Democrats to remove language barring the closure of Yucca Mountain flopped by voice vote.

— Seventh time's the charm? Rep. Michael Burgess' perennial light bulb rider blocking enforcement of DOE efficiency standards passed by voice vote again.

Before they adjourned Wednesday night, lawmakers set up a vote on Rep. Marsha Blackburn's push for a 1 percent across-the-board discretionary cut and two Michigan Republicans withdrew an amendment barring the Corps from slow-walking a controversial study related to keeping Asian carp from reaching the Great Lakes.

LIKELY TRUMP WATER PICK HAS AG GROUP, RED STATE CRED: The likely nominee to run EPA's water office is David Ross, director of the Environmental Protection Unit at Wisconsin's Department of Justice, according to multiple sources close to the decision. Before heading to Wisconsin last year, Ross was in the Wyoming Attorney General's office, where he worked on the 13-state lawsuit challenging that Obama administration's Waters of the U.S. rule that won an early injunction from a North Dakota District Court judge in 2015.

Ross also spent more than a decade in private practice, largely in Crowell & Moring's environment and energy group, where he worked on a number of hot-button water lawsuits. He was part of the team that represented the American Farm Bureau Federation in its challenge to the landmark Chesapeake Bay cleanup plan — a suit that Pruitt joined as an intervenor while serving as Oklahoma's attorney general, although he now says he supports the effort — and represented agricultural groups and fertilizer companies in litigation brought by environmental groups in a bid to force stricter pollution limits in the sprawling Mississippi River basin.

**** A message from Chevron:** Advanced technology is helping us find safer ways to deliver energy. We're piloting a program that uses drones to monitor tanks and pipelines. Watch the video: <http://bit.ly/2vFEzbX> **

FROM 'MONEYBALL' TO... DOE? Financial writer Michael Lewis, known for books like "Moneyball" and "Flashboys," explores the convoluted past, present and future of the Energy Department in a [lengthy piece](#) for Vanity Fair. Much like we've [explained](#) the agency's [many important](#) — and thankless — tasks, Lewis tells the story of what DOE does, that no one seems to get it, and how fraught with risk it all is. And he hits the highlights: the loan program, nuclear security, physical and cyber threats to the electric grid, and (paging Sen. [Maria Cantwell](#)) an extended section on the Hanford nuclear cleanup. He interviewed Arun Majumdar to talk about DOE's ARPA-E program, which he launched and is under threat from Trump.

MASSIVE WIND FARM GOING UP: American Electric Power [announced](#) Wednesday it would invest \$4.5 billion into a massive 2,000-megawatt wind farm that will provide power to customers in Arkansas, Louisiana, Oklahoma and Texas once completed. It would be the largest wind farm in the country, and AEP says customers will save \$7 billion over 25 years once the wind farm is online. The effort includes a 350-mile dedicated, extra-high voltage power line designed to serve up to 1.1 million customers, according to developer Invenenergy.

TRUMP TRANSITION OFFICIAL THINKS WHITE HOUSE SHOULD DO CLIMATE ASSESSMENT: Former Trump Transition official David Schnare argued in [an op-ed](#) for Inside EPA that the White house Office of Science and Technology Policy, and not EPA, should conduct a re-evaluation of climate science. Schnare, who decried the "alarmist" views he said dominated the Obama administration's approach, calls Pruitt's proposal for a red team/blue team debate "silliness" and "not how science works." He argues that under the 1990 Global Research Act, only OSTP, and not EPA, has the authority to conduct such a review. "EPA can play, but it isn't in charge and doesn't have the authority," he writes. Schnare was an attorney with EPA for 30 years, though he is now general counsel for the anti-climate action Energy and Environment Legal Institute.

E.U. TAMPED DOWN SANCTIONS BILL: The legislation still faces some obstacles before it reaches Trump's desk, but European officials actually managed to blunt the initial scope of the proposed Russian sanctions through last-minute tweaks last weekend, POLITICO Europe's Anca Gurzu and Lili Bayer [report](#). Officials are especially worried provisions in the measure could deliver an economic blow to EU companies involved in Russian energy export pipelines or that partner with Russian companies on energy projects. "We do a lot under the radar because we

wanted to avoid the appearance that we are split with the U.S. on the sanctions," a Commission official said.

NOT SO FAST, REX: Critics are not down with Secretary of State Rex Tillerson's plan to slash dozens of positions known collectively as special envoys, POLITICO's Nahal Toosi [reports](#). The administration has already indicated it plans to eliminate a special envoy for climate change. But today the Senate Foreign Relations Committee will consider legislation that will give lawmakers a greater say over how special envoy jobs are filled.

MAIL CALL! WE'RE WITH YOU ON OFFSHORE DRILLING PLAN: A group of 36 Senate Republicans, led by [Lisa Murkowski](#), sent a [letter](#) to Zinke Wednesday voicing support for his agency's new Outer Continental Shelf Five-Year Oil and Gas Leasing Program for 2019-2024. "We encourage you to carefully review those areas that were not included in the 2017-2022 Five-Year Program to ensure that opportunities are not missed," they wrote. BOEM is currently [accepting comment](#) on a new five-year drilling plan through Aug. 17 that would replace the plan developed under the Obama administration.

PERRY'S BAD TUESDAY GETS WORSE: Top House Energy and Commerce Democrat [Frank Pallone](#) asked GAO Wednesday in a [letter](#) to probe whether Energy Secretary Rick Perry misused taxpayer funds in writing an op-ed criticizing the Affordable Care Act and if the agency improperly promoted that piece through social media channels. "I have significant concerns as to why DOE is using official agency resources to weigh in on the health care debate, and am troubled that recent DOE actions may represent a broader effort by the Administration to inappropriately use agency resources on matters well beyond an agency's jurisdiction," Pallone wrote, asking for an opinion on whether Perry's actions violated Antideficiency Act, the Anti-Lobbying Act, and the Consolidated Appropriations Act of 2017.

TASTE OF WHAT'S TO COME IN SEPTEMBER: House Energy and Commerce lawmakers today vote on Drinking Water System Improvement Act [H.R. 3387 \(115\)](#). The measure [cleared subcommittee](#) on July 13 after the addition of amendments requiring states to spend a minimum share of federal dollars on disadvantaged communities, boosting the popular Drinking Water State Revolving Fund's authorization to \$8 billion over five years and encouraging removal of lead service lines. Be on the lookout for a manager's amendments with further tweaks when [the session](#) begins at 10 a.m. in Rayburn 2123.

ICYMI: The Senate Energy and Natural Resources shelved a vote originally planned for today at 9:30 a.m. on half a dozen Interior and DOE nominees "until a date and time to be determined," Pro's Esther Whieldon [reports](#). A committee aide chalked it up as a casualty to the chamber's vote-a-rama on healthcare repeal.

PRUITT MET CANADA'S HARPER: The EPA confirmed late Wednesday that Pruitt met with former Canadian Prime Minister Stephen Harper back in March. "The purpose of the meeting was to extend a courtesy visit to the former Prime Minister of Canada and thank him for past bilateral cooperation on environment," a spokeswoman said. "It was not intended, nor was it, a policy meeting." The Huffington Post first [reported](#) the meeting, which it said was arranged by a top Comcast lobbyist.

MONUMENT REVIEW ROLLS ON: Zinke continues his visits to national monuments today as his swing takes him to New Mexico. He'll have a closed-press helicopter tour of the Organ Mountains Desert Peaks National Monument in the morning, followed by a meetings with local elected officials, ranchers, academics, border security experts, and others (also off-limits to the press).

It hasn't been announced yet but a rural Nevada county commissioner told the Las Vegas Review-Journal Zinke will be in the area next Monday to hear input on the Gold Butte and Basin and Range National Monuments in the state. Nye County Commission Chairman Dan Schinhofen told the paper Zinke would hear from him about former President Barack Obama's designation of the Basin and Range. "We don't object to national monuments, but to take 700,000 acres to protect private property that represents less than one percent of that land seems excessive," he said. "We think it can be pared down."

Speaking of monuments, the Commerce Department announced it would give the public an additional 15 days to comment on the status of 11 marine national monuments and sanctuaries through August 14, Pro's Esther Whieldon reports. A spokesperson declined additional comment on why the public comment period was extended.

REPORT: APPLIANCE EFFICIENCY COULD SAVE BIG BUCKS: The Appliance Standards Awareness Project and the American Council for an Energy-Efficient Economy released a report Wednesday recommending 21 appliance standards states could adopt on a variety of products, from computers to portable air conditioners. The groups say those standards would save \$113 billion through 2035 assuming they go into effect by 2020.

MORE STATES JOIN GREEN CONTRACT TREND: Two states, Minnesota and Nebraska, this year joined the ranks of about a half dozen states that have allowed their utilities to offer direct-sale, long-term supply contracts for renewable generation, according to a report out today by the Advanced Energy Economy. Under these so-called green tariffs, big companies like Facebook and Google since 2012 have signed deals for more than 8 gigawatts of renewables.

CHANGING THE FACE OF THE GREEN MOVEMENT: Environmental advocates and lawmakers gather today at 10 a.m. in Cannon 421 for a discussion on the need for diversity in the mainstream environmental movement. Reps. Donald McEachin and Pramila Jayapal, along with representatives from Green 2.0, the Hip Hop Caucus, Defenders of Wildlife, LCV and GreenLatinos, participate.

MOVERS, SHAKERS:

Gwendolyn Keyes Fleming, chief of staff at EPA under Gina McCarthy from 2013 to 2015, has joined the law firm Van Ness Feldman in its environmental practice. She'll focus on environmental litigation and national security issues. Before becoming chief of staff, Fleming was EPA's regional administrator for the Southeast, and before that she was an elected district attorney in Georgia's DeKalb County. After leaving EPA, Fleming spent nearly two years as the top legal adviser for Immigration and Customs Enforcement. In recent months DeKalb County

had employed Fleming as a consultant to advise it on relations and negotiations with EPA and state regulators.

Cynthia Giles, EPA's top enforcement official during the Obama administration, has joined the University of Chicago's Energy & Environment Lab as executive fellow and director of strategic initiatives. The organization aims to work with governments to design and test environmental policies that can be scaled up.

Mike Godwin has joined the Niskanen Center as a senior fellow; He was most recently the director of innovation policy at the R Street Institute (h/t Playbook).

QUICK HITS

— How Venezuela chaos could spark oil rally OPEC has failed to achieve. MarketWatch.

— Flint's water quality improving; 5 resource sites to close. AP.

— Coroner: Schuylkill County coal miner killed when run over by own bulldozer. Allentown Morning Call.

— Britain to Ban New Diesel and Gas Cars by 2040. New York Times.

— Many Chicago Park District Fountains Are So Contaminated With Lead That They Can't Be Turned Off. WBEZ.

HAPPENING TODAY

9:00 a.m. — USEA 10th Annual Energy Supply Forum, National Press Club, Grand Ballroom, 529 14th Street NW, 13th Floor

POSTPONED — Senate Energy and Natural Resources Committee votes on various nominations, Dirksen 366

10:00 a.m. — Legislative Hearing on 3 Bills, House Natural Resources Energy and Mineral Resources Subcommittee, 1324 Longworth

10:00 a.m. — House Energy and Commerce Committee votes on Drinking Water System Improvement Act, among other bills, Rayburn 2123

12:30 p.m. — Natural Gas Roundtable hosts INGAA Chair Diane Leopold, University Club, 1135 16th Street, NW

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EPA eyes plan to shield coal from future regulations [Back](#)

By Alex Guillén | 07/27/2017 05:00 AM EDT

The Trump administration may have found a way to let coal plants off the hook for their carbon emissions without relitigating the established science on climate change.

EPA Administrator Scott Pruitt, who has been tasked with undoing the Obama administration's landmark climate change regulation on existing power plants, is preparing to argue that the Clean Air Act bars him from setting any limits on carbon dioxide from their smokestacks, according to multiple sources with knowledge of the proposal. That's because a separate Obama-era EPA regulation on toxic mercury emissions already applies to coal plants, according to a novel interpretation of the law that Pruitt embraced when he was attorney general of Oklahoma.

Such a legal maneuver would effectively allow Pruitt to repeal the Clean Power Plan without having to impose new rules on coal plants, despite Supreme Court precedent and an underlying scientific finding that identified greenhouse gas emissions as a threat to public health.

Pruitt's proposal to undo the Clean Power Plan has been under review at the White House since June, and the administration has provided no target date for its release. It is separately expected to make a legal case that EPA cannot require states to shift away from coal power and toward natural gas and renewables, as the Obama administration sought to do with its rule, although that approach by itself would not alleviate Pruitt of the obligation to develop a narrower rule based on coal plant efficiency.

Pruitt's attempt to wipe out power plants' climate regulations altogether would go further than he suggested was possible at his confirmation hearing, but it still won't be enough for some conservatives. EPA declined to comment on the proposed Clean Power Plan repeal while it is still undergoing interagency review.

Testifying to the Senate Environment and Public Works Committee in January, Pruitt seemed to acknowledge a [role for EPA](#) in regulating carbon stemming from the 2009 endangerment finding classifying it as a pollutant. Since then, conservative activists and some coal executives like Bob Murray have urged Pruitt to repeal that conclusion, which would essentially require him to disprove the scientific consensus that climate change is a threat. Pruitt has announced plans for a "red team/blue team" debate of that consensus, but he has not said where he expects that exercise to lead.

Pruitt is not expected to repeal the endangerment finding in the near term, but the approach he is leaning toward would have the same practical effect for the hundreds of coal-fired power plants that would have been subject to the Clean Power Plan. A coal industry source, speaking on condition of anonymity, said companies are split over whether Pruitt should repeal the endangerment finding or pursue more lenient rules that would not force plants to shut down.

"At least for so long as this management is at EPA, it is a way to not regulate at all without having to revisit the endangerment finding," said Sean Donahue, an attorney working with the Environmental Defense Fund, which supported the Obama-era rule. But he argued the approach would face huge hurdles in court.

Known in legal lingo as the "112 exclusion," Pruitt's argument is that EPA cannot write rules for power plants under section 111(d) of the Clean Air Act — a catchall provision under which the Clean Power Plan was written — because those sources already are regulated under Section 112 of the law, which targets hazardous air pollutants from a variety of sources.

However, the 112 exclusion argument was muddled by a strange legislative "glitch" that occurred when Congress last revamped the Clean Air Act, in 1990. Two competing sections on this issue, one each from the Senate and the House, were inadvertently signed into law. The challengers seized on the language of the House version as a foundation for their exclusion argument, while the Obama administration said either version should allow it to regulate via the Clean Power Plan.

The D.C. Circuit never ruled on this or any of the other legal issues before the case was paused when the Trump administration took office.

EPA's 2012 mercury rule is a Section 112 rule covering coal plants, and Pruitt has previously argued that should be enough to overturn the climate rule.

In a [2014 report](#), Pruitt wrote, "EPA has no authority at all to require States to adopt CO₂ performance standards for existing [power plant] CO₂ emissions," citing the 112 exclusion argument.

But in oral arguments last year over the Clean Power Plan, several judges on the D.C. Circuit indicated they were skeptical of this argument, particularly since the exclusion would apply only when a 111 rule follows a 112 rule, but not vice versa.

Judge Brett M. Kavanaugh, a George W. Bush appointee, said at the hearing that he agreed with the challengers that the House version should supersede the Senate language — but that even then, he was "not sure the House amendment actually blocks this."

If courts ultimately invalidate the 112 exclusion argument — or if Pruitt decides not to pursue it — the Trump administration could choose to regulate on a much narrower path. That 2014 report from Pruitt outlined a proposal for a limited "inside the fence line" approach for power plants under section 111(d) if the agency were determined to implement such a climate rule.

Meanwhile, an array of more far-fetched possibilities have been the subject of think tank speculation for years.

However, conservatives pushing EPA to overturn the endangerment finding likely wouldn't be appeased even if EPA is successful here.

Myron Ebell, director of the Center for Energy and Environment at the Competitive Enterprise Institute and the Trump administration's EPA transition team leader, noted that the finding also provides a legal justification for a host of other EPA regulations, including vehicle emissions standards, methane regulations and permitting rules.

Ebell is a longtime critic of climate change science, and CEI is one of several groups currently petitioning the Trump administration to revisit the endangerment finding. He said CEI has no current plans to sue EPA to force it to respond to that petition, saying the group is waiting to see how the Clean Power Plan repeal works out. However, another petitioner, the Texas Public Policy Foundation, said it may sue EPA if the agency does not meet its late October deadline for a response.

"The more they look at it, the more they're going to realize they need to re-open and revise the endangerment finding," Ebell said.

Environmentalists are already gearing up to fight back against the planned repeal of the Clean Power Plan, including the 112 exclusion argument, and Pruitt's broader claim that the Clean Air Act does not give EPA the proper tools to fight climate change.

Adopting that legal justification "makes hash out of the Clean Air Act," said David Doniger, director of the Climate and Clean Air Program at the Natural Resources Defense Council.

"There's no way that in constructing these interlocking provisions ... there's no way that they intended to leave the gap or create a gap that Pruitt and his colleagues asserted," Doniger said.

The Supreme Court never said EPA had the best possible tool to combat climate change, he argued, but the agency must use what tools Congress has given it.

It's like wishing "you had a Phillips screwdriver but all you have is a flat one," Doniger said. "You still have to work on the screw."

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Six takeaways from the D.C. Circuit over EPA's Clean Power Plan [Back](#)

By Alex Guillén | 09/27/2016 08:30 PM EDT

After nearly seven hours of legal arguments over EPA's Clean Power Plan, the Obama administration emerged with encouraging signs from the judges on some of the key issues — except the contentious debate over whether EPA can go beyond coal-fired power plants' fence lines to set emissions targets.

Predicting how the court will ultimately rule can be tea-leaf reading, and the comments made by judges in court may not indicate where they will each fall on the case. Still, several of the members of the 10-judge panel that heard the case offered hints about how they were leaning on specific issues. Here are POLITICO's list of 6 takeaways from Tuesday's arguments before the D.C. Circuit Court of Appeals.

1. The court appears on the fence about the fence line.

Several judges — primarily those appointed by Republican presidents — peppered the Obama administration with pointed questions about how EPA structured the rule, and in particular the agency's decision to use generation shifting to go "beyond the fence line."

Judge Brett M. Kavanaugh, named to the bench by George W. Bush, cited the 2014 Supreme Court ruling authored by late Justice Antonin Scalia, who, in striking down part of a different EPA rule, chided the agency by writing that the court would "expect Congress to speak clearly if it wishes to assign to an agency decisions of vast 'economic and political significance.'"

That ruling came around the time that EPA released its Clean Power Plan proposal, and the challengers have long considered it a shot across EPA's bow.

Scalia's ruling "might have been written with this case in mind," Kavanaugh said. The CPP is "fundamentally transforming an industry," even though Congress did not specifically call on EPA to reduce greenhouse gas emissions.

Justice Department attorney Eric Hostetler defended the CPP, saying that previous EPA rules have also relied on generation shifting. And Judge David Tatel, a Clinton appointee, said he didn't see Scalia's contention applying to CPP because EPA had used its existing authority — and it had received direction from the Supreme Court on greenhouse gases.

Still, some of the GOP-appointed judges also questioned the plaintiffs assertion, with Judge Thomas Griffith, another Bush appointee, hinting that EPA's "beyond the fence line" approach struck him as plausible.

How was rule was inconsistent with the Clean Air Act's requirement that EPA set a "best system of emission reduction?" he asked, adding that the electric power industry had been shifting away from coal and toward natural gas and renewables.

"They're just accelerating that," he said.

West Virginia Solicitor General Elbert Lin replied that EPA has always previously required technology installed on-site at power plants, not investments in new generating plants.

Other judges seemed to question EPA's use of generation shifting as well.

Judge Patricia Millett, an Obama appointee, at one point noted that such a practice would essentially require coal plant owners to subsidize their competitors.

But DOJ's Hostetler disputed that, saying sources can meet their obligations without doing that, such as by switching to gas co-firing. He also argued that the rule is about "investing" in renewable sources, not "subsidizing" them.

Even if all four of the Republican-appointed judges on the D.C. Circuit side with the challengers on this issue, they would still need two of the judges appointed by Democrats to overrule EPA.

2. Congress' rejection of cap and trade still looms large.

The Senate's failure to pass a cap-and-trade bill back in 2010 was a key event for the CPP challengers, who cited it as evidence that if Congress had wanted EPA to go this far to limit greenhouse gases, it would have passed that law.

That argument appealed to Kavanaugh, who said that although it was "laudable" to take action on climate change, that didn't give EPA the right to violate the separation of powers.

"Congress is supposed to make decisions," he said, and Congress could have helped out groups hurt by the rule, like the coal industry, if it had passed a cap-and-trade package. That is something EPA's Clean Power Plan cannot do.

"Why isn't this debate going on on the floor of the Senate right now," rather than in front of a panel of unelected judges, asked Griffith.

3. The 112 Exclusion argument is on thin ice.

The challengers had hoped to kill the CPP outright by arguing Section 111(d) of the Clean Air Act, under which the CPP was written, bars regulating power plants for carbon dioxide because EPA already regulated them for mercury emissions under Section 112.

It's an arcane argument reliant on an unusual 26-year-old legislative glitch and obscure legislative procedures.

But many of the judges from across the spectrum indicated they saw that argument as spurious, particularly since under the challengers' interpretation, EPA would have been on solid legal ground if it had regulated carbon dioxide first and mercury afterwards, but not the other way around.

"There was no debate by Congress to suggest they intended to create this giant loophole," said Judge Judith Rogers, a Clinton appointee.

"If Congress wanted to avoid double regulation, why is it just dependent on timing?" asked Judge Nina Pillard, an Obama appointee.

The challengers' argument relied on conflicting Senate and House provisions that were inadvertently signed into law back in 1990. The Senate version clearly would allow the Clean Power Plan, while the House version's meaning is more disputed — and the challengers say the House provision should be the one that counts.

But even Kavanaugh, who signaled he agreed that the House version should win out, said that might not be enough to overturn the Clean Power Plan, as the challengers argue.

"I'm not sure the House amendment actually blocks this," he said, admitting the issue and the law's language are "convoluted."

4. The constitutional challenges may not hold water.

Many of the judges appeared unconvinced on the constitutional challenges to the Clean Power Plan.

Griffith asked for details on exactly which state officials were being "commandeered" by EPA, referring to plaintiffs' arguments that the Obama administration had sought to force state lawmakers and regulators to take action on climate change under the regulation. And Griffith seemed skeptical that requiring the states to alter their resource planning or take action to assure grid reliability were any different than what they would have to do under myriad other environmental rules.

Judge David S. Tatel, a Clinton appointee, argued that the Clean Power Plan wasn't constitutionally different from the Americans with Disabilities Act.

"Compliance can only occur if states use their police power to issue permits" for disability accommodations, said Tatel, who is blind.

The ADA was meant to lead to changes in the private sector, replied attorney David B. Rivkin, Jr., representing state challengers. The Clean Power Plan "is far more profound," he added. "The goal is to change our energy infrastructure."

Even the star power brought by Laurence Tribe, the Harvard professor and liberal icon now advocating against the rule for coal producer Peabody Energy, didn't seem to sway the bench.

Millett said she was having trouble reconciling his arguments that the CPP is unconstitutional with the Supreme Court's previous rulings concluding that EPA is the proper entity to address greenhouse gas emissions.

Kavanaugh later added that while the CPP may go beyond what one DOJ lawyer called "bread-and-butter cooperative federalism," it is "not necessarily unconstitutionally more."

5. The judges seem ready to kick the can on other parts of the challenge.

The final two issues of the day saw the court wondering whether it can just leave those for later.

During a segment challenging whether the final rule was too different from the proposed rule, several judges pointed to court precedent that requires challengers to first petition EPA on any issues they feel they did not get a chance to comment on during the rulemaking process. If EPA rejects such petitions, the judges added, that is the appropriate time for the courts to get involved.

Thomas Lorenzen, a Bush-era DOJ environmental attorney now at Crowell & Moring who represented the challengers, said that at least four petitions on these notice issues were filed as far back as a year ago, but EPA has not yet responded. DOJ attorney Norman Rave replied that EPA received 38 petitions in total and is working its way through them.

The court seemed similarly interesting in punting on any broad decisions about whether the rule was feasible or how EPA calculated states' separate targets.

"It is simply too early in the game to address these state-specific objections," said Rogers.

Kavanaugh pointed to the Supreme Court's decision in 2014 upholding EPA's Cross-State Air Pollution Rule but allowing "as-applied" challenges to various states pollution budgets — challenges that partly succeeded.

He and Millett also sought assurances from EPA that if a state's target ultimately proves too difficult to achieve, the state would have legal avenues to lower its target. A DOJ lawyer replied that state planning processes or a petition to change a state's target based on new information would provide such options.

6. Judges have a low opinion of Congress, too.

The public overwhelming gives Congress a failing grade, and the D.C. Circuit isn't much better.

"Everyone understands frustrations with Congress," Kavanaugh admitted to laughter from the crowd at one point.

Maybe Congress' way of handling climate change, or lack of action "is proof it shouldn't be doing anything," Tatel later joked.

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Alaska's long road war [Back](#)

By Andrew Restuccia | 04/04/2014 05:00 PM EDT

In the fall of 1998, Frank Murkowski took to the Senate floor to make an impassioned plea for the authority to build a one-lane gravel road from the isolated southwestern Alaska village of King Cove to a neighboring community with an all-weather airport.

"This is a road to life for the residents of King Cove," he said.

More than 15 years later, his daughter, Republican Sen. Lisa Murkowski — along with the rest of the Alaska congressional delegation — is still fighting for the road, insisting it's the only viable way to ensure that King Cove's 965 largely native Alaskan residents have access to emergency medical care.

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What seems like a simple request is anything but. The proposed road would cut through federally protected wilderness land in the Izembek National Wildlife Refuge, a 315,000-acre sanctuary near the tip of the Alaska Peninsula. And the Interior Department says the road would threaten vulnerable plants and animals that rely on the area's unique ecology.

The oftentimes ugly fight has pitted Alaska politicians against the federal government for decades, sowing mistrust and frustration. It has also reinforced the view of many in Alaska that policymakers in the Lower 48 are out of touch with their needs.

At the same time, the battle has laid bare tensions between Alaskan leaders and conservation groups, which argue that approving the road could set a dangerous national precedent in other protected wilderness areas.

Lisa Murkowski and Alaska Democratic Sen. Mark Begich, who faces a tight reelection fight, are vowing to do everything in their power to win approval for the road, even though the Interior Department rejected the proposal late last year after a four-year analysis.

([PHOTOS: 10 tough Senate races for Democrats](#))

Murkowski is using her position as the top Republican on the Senate Energy and Natural Resources Committee to elevate the issue, expressing her outrage at hearings and in floor speeches and holding a series of news conferences with King Cove residents. She has also lambasted Interior Secretary Sally Jewell, who announced the most recent rejection of the road just two days before Christmas.

"I am not willing to let a day go by without raising this as an issue," Murkowski said in an interview.

The road would give King Cove residents access to the larger airport in the nearby community of Cold Bay when extreme weather grounds flights at the smaller King Cove airport. King Cove has a medical clinic, but residents often have to travel to Anchorage for major procedures and emergencies.

The road, proponents argue, is the best solution to the transportation problems that have long plagued isolated King Cove.

Besides its small airport, the town has access by boat across the Izembek Lagoon, but foul weather can make air and boat travel difficult, residents say. Supporters of the road say at least 19 deaths over the years have resulted from plane crashes or an inability to obtain adequate medical care.

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Della Trumble, a King Cove resident and longtime advocate for the road, said its approval is a matter of life and death.

"I just feel strongly that the human factor far outweighs the wildlife," she said. "We will protect the wildlife. It's who we are."

Trumble and other residents have made dozens of trips to Washington to make their case, telling stories of family and friends who have been hurt or killed trying to get out of the community during storms. Trumble said she watched as her niece was flown out for a medical emergency amid winds of 70 to 80 mph. She said another niece was born on the galley table of a crab boat during an evacuation attempt.

Just this week, an injured fisherman was flown out of King Cove by the Coast Guard, marking the fifth medical evacuation of the year, according to [King Cove officials](#).

But opponents say the road would wreak havoc on the refuge and its wildlife. The refuge hosts more than 200 species, including caribou, grizzly bear and, in the fall, about 98 percent of the world's Pacific black brant. It also has one of the largest eelgrass beds on the planet and was one of the first areas in the U.S. to be designated as a [wetland of international importance](#).

"You can't punch a road through there without doing serious damage," said Don Barry, who served as Interior's assistant secretary for fish, wildlife and parks during the Clinton administration.

In addition, the proposed road faces major legal hurdles. In 1980, Congress designated most of the refuge as wilderness, the highest level of public land protection.

Barry, now a senior official at the conservation group Defenders of Wildlife, said it would be unprecedented to allow a road through a wilderness area. Though the refuge has some old military roads, they were built before the conservation laws were enacted.

Several opponents raised concerns that approving the road would lead to a push for development in other protected areas.

"Once you carve a road of this kind right through the middle of a national wildlife refuge, where

does it stop?" former Clinton administration Interior Secretary Bruce Babbitt asked.

Babbitt and other opponents have also suggested that the road could be used for commercial purposes, noting that Peter Pan Seafoods has a cannery in King Cove. "But despite pledges and promises to the contrary, the real purpose for building the road is the same as it ever was: moving fish and workers to and from King Cove's canneries," Babbitt wrote in the Los Angeles Times last month.

Peter Pan has rejected those accusations, and Murkowski notes that her legislation calling for approval of the road specifically bars using it for commercial purposes.

The fight over the road burst into public view in the late 1990s, when then-Sen. Frank Murkowski pushed legislation that would allow for approval of the road as part of a land exchange. The bill passed the Senate in 1998 but never passed the House. President Bill Clinton threatened a veto amid concerns about the road's effect on wildlife.

Soon after, then-Sen. Ted Stevens launched into a tense series of negotiations with the Interior Department. The resulting compromise was a \$37.5 million appropriation approved by Congress to improve the King Cove medical clinic and airport and make accommodations for a hovercraft to transport residents to Cold Bay. The hovercraft was used until 2011, but it is being sold because, operators said, it was too expensive to operate.

"Finally it was settled — and now it turns out it isn't," said Babbitt, who worked with Stevens to negotiate the deal and strongly opposed the road.

Within several years, the issue was back on the table. Lisa Murkowski included a provision in a 2009 bill calling on the Interior Department to analyze the road and proposing another land exchange. In exchange for setting aside land in the refuge for the road, the federal government would receive more than 43,000 acres of Alaska state land and more than 13,000 acres of land owned by the King Cove Native Corp.

The provision set off a four-year analysis by Interior that culminated in December with the department's rejection of the road.

"While the proposed land exchange would bring many more acres of land into the Refuge System, the analysis indicates that the increased acreage could not compensate for the unique values of existing refuge lands, nor the anticipated effects that the proposed road would have on wildlife, habitat, subsistence resources and wilderness values of the Refuge," the department said in a statement at the time.

The decision infuriated the Alaska delegation and has strained Murkowski's relationship with Jewell.

After hearing about the decision, Murkowski said she told Jewell, "I cannot forgive the fact that you have delivered this, that you have dashed all hope for the people of King Cove, and the fact that you did this the week of Christmas is absolutely callous and cold-hearted."

Other Alaska lawmakers have similarly taken Jewell to task. "If someone dies out of King Cove, I want you to really think about it and be ashamed of yourself," Rep. Don Young told Jewell at a hearing Thursday.

The road's opponents say viable alternatives exist — a notion that Murkowski and others reject. Opponents also argue that the road, which would snake through isolated land often battered by extreme weather, would pose its own dangers.

At a recent Senate hearing, Jewell said she is committed to working with King Cove residents to find alternatives. During a recent meeting with Begich, she said she will again listen to the community's concerns.

"Jewell committed to reviewing the information that the community plans to provide on the issue and to provide a response to the senators, State of Alaska and the community on their request to reconsider the final decision," Interior spokeswoman Jessica Kershaw said in an email.

Alaska lawmakers face major hurdles toward changing Interior's mind but say they're not giving up.

Begich said in a recent interview that he hopes to attach his bill approving the road to upcoming Interior appropriations legislation. Murkowski vowed to continue hammering away as well.

"This secretary has made a decision, and I think she thought the people of King Cove were tucked far enough away that nobody would be making a big deal about this," Murkowski said. "But I'm not forgetting them, and it's not just an idle threat."

CORRECTION: A previous version of this story offered an incorrect name for the city where King Cove residents sometimes have to travel for major medical procedures.

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Help wanted at DOE: Toil in the shadows — at least until a crisis [Back](#)

By Darius Dixon | 11/22/2016 05:03 AM EDT

Of the thousands of jobs President-elect Donald Trump will have to fill over the next few months, few are as misleadingly named as Secretary of Energy.

The Energy Department is not going to be the venue for Trump to follow through on his campaign promises to unleash an oil, gas and coal boom by dialing back Obama-era environmental programs, and most Americans are oblivious to what it does. Only about a third of DOE's budget supports energy research and development, the creation of efficiency standards

and the clean energy loan guarantee program that became a flashpoint in President Barack Obama's first term. But the bulk of any Energy secretary's attention gets yanked to the lower-profile but higher-stakes work of maintaining the U.S. nuclear stockpile and the cleanup of old Cold War weapons sites — which accounts for the remaining two-thirds of its budget.

It's a post fraught with endless frustrations, leading an agency that toils away in obscurity between episodes of crisis. Befitting DOE's broad profile, past secretaries have come to the job with a range of previous experience, including academics like Steven Chu, former elected officials like Bill Richardson or Spencer Abraham, and national security experts like Navy Admiral James Watkins or James Schlesinger, who had been Defense secretary before becoming the nation's first Energy secretary in 1977.

"I think and I pray that whoever influences the president on the selection ... looks for somebody who knows how to manage a sprawling enterprise — and has some bona fides in one or two of the areas that will cause you the most consternation," said Hazel O'Leary, President Bill Clinton's first Energy secretary.

Trump has not said much about the type of person he would like to lead DOE, and the transition team covering the agency just got turned over in the past few days. Last week, lobbyists Mike McKenna and Mike Catanzaro left the transition team established by Chris Christie after Vice President-elect Mike Pence took over the operation and forced registered lobbyists to either give up their clients or resign. But on Monday, Trump's team announced that Tom Pyle, president of the libertarian-leaning American Energy Alliance, was the new point man on DOE's transition.

A DOE spokesperson said Monday afternoon no one at the agency has spoken to anyone affiliated with the Trump transition.

Trump on Monday named members for landing teams to several executive branch agencies, including heavy hitters like the State and Treasury departments as well as smaller outposts like the Small Business Administration. Additional announcements are expected this week.

On the campaign trail, Trump said several eyebrow-raising things about nuclear weapons and nonproliferation in general, including suggesting that Japan could defend itself with nukes and questioned NATO, an underpinning of U.S. nonproliferation policy. Energy Secretary Ernest Moniz was meeting with the directors of DOE's weapons-focused national labs two days after the election and stressed the importance of letting Trump's team know about their work, recalled Jill Hruby, the director of Sandia National Laboratories.

"One of the comments he made is that we have to collectively make sure that this transition team understands that the Department of Energy has a national security mission," Hruby said of Moniz.

Other lab directors are churning over how to address the common misconception about DOE.

"I worry about the possibility of people coming into the department who don't appreciate just how much national security work the department is responsible for," Lawrence Livermore

National Lab director William Goldstein said. "It's not unusual for people to not have a good understanding" of DOE's role in emergency response and weapons of mass destruction. "People may think of the department as an energy place — it certainly is — [but] the amount of responsibility and work is something we have to make sure is well understood in this transition."

Part of the challenge is that DOE is all over the map, literally and figuratively. The agency's nearly \$30 billion budget and more than 100,000 employees and contractors include 17 national labs, several field offices and other operations that give it a presence in more than a dozen states. Its mission is domestic and international, science and politics, and an advanced course in organization.

DOE sent nuclear experts to Japan after the Fukushima nuclear disaster in 2011, weapons specialists traveled to Switzerland with the U.S. delegation last year to help analyze aspects of the Iran nuclear deal. The agency also deployed a radiological team to Rio de Janeiro during the 2016 Olympics in case of a terrorist attack like a dirty bomb.

Researchers at DOE's Oak Ridge national lab, which is a science facility that also works on nuclear cleanup issues, spend about 20 percent of their time on work for other federal agencies, particularly for the Pentagon, Department of Homeland Security and the intelligence community, said Thom Mason, the lab's director since 2007. He said several DOE labs have similar breakdowns.

"One of the challenges of transition is it's a short period of time to go up a very steep learning curve," he said.

Past energy secretaries have learned that crises can erupt without warning — and may be present virtually from Day One. For Abraham, President George W. Bush's first Energy secretary, it was the Enron crisis roiling electricity markets across the West.

"I get sworn in during the Inaugural parade and then informed that there was a rolling blackout in California happening the moment of my arrival," Abraham said in an interview. Two days later, he was in the White House trying to figure out whether to extend an emergency order signed by his predecessor compelling power sales in California.

On her first week on the job, O'Leary had to decide what to do about two leaking tanks of radioactive nuclear waste at DOE's Hanford site in Washington state, where problems persist to this day. Just last month, the site made [headlines](#) when a work crew was accidentally exposed to radiation.

"Boy, did I come up to speed on waste management and I didn't get out of it for six months," O'Leary recalled in a recent interview.

For all the high praise Moniz enjoyed from both Republicans and Democrats, even he has been dogged by troubled multibillion dollar projects few Americans are even aware exist: a waste treatment project in Washington state, accidents at a radioactive waste storage site in New Mexico and the uncertain future of two nuclear processing facilities in South Carolina.

In July 2012, peace activists — including an octogenarian Catholic nun — broke into the Y-12 National Security Complex, an ostensibly high-security uranium processing facility. There were concerns at DOE headquarters that Chu, Obama's first Energy secretary, may have to consider resigning over the incident. Instead, aside from the occasional tongue-lashing on the Capitol Hill, GOP lawmakers proved to be more concerned with the agency's imbroglio involving a \$535 million federal loan guarantee to the ill-fated solar manufacturer Solyndra.

Despite the decades of headaches and the trail of embarrassments sprinkled throughout the agency, presidents tend not to lose much sleep over the job. Energy secretary was one of the last Cabinet posts Bush filled on his way into office, in part, Abraham said, because the new president considered appointing a Democrat to the job.

"There's always going to be a focus on [the departments of] Defense, State, Justice and Treasury because they're the oldest agencies and they're the ones that are responsible for all of the top issues of the day," Abraham said.

Sometimes the confusion over DOE's mission becomes a waste of everyone's time.

Halfway through his tenure, Chu, a Nobel Prize-winning physicist and aggressive thinker on climate issues found himself on CNN being interviewed about high gasoline prices frustrating commuters — an issue far-afeld for his job description. Moniz has been pelted with misfired questions about oil and gas permitting on Capitol Hill.

Former Alaska governor and Republican vice presidential nominee Sarah Palin also made a brief pitch for heading DOE in a Donald Trump administration by talking about oil, gas and minerals — apparently mistaking DOE's job description with that of the Interior Department.

Despite the lack of public clues, Trump is said to be considering a variety of possibilities to lead DOE.

Continental Resources CEO Harold Hamm, who had been advising Trump's energy policy on the campaign and some view him as a top contender, likely has the management skills to grapple with a large bureaucracy. But his understanding of DOE's nuclear mission is an open question.

Former Texas Gov. Rick Perry famously proposed eliminating the Energy Department when he was a presidential candidate in 2012, but he met with Trump Monday, reportedly to discuss a possible appointment as Energy secretary.

Rep. Kevin Cramer (R-N.D.), a former state utility regulator and a Trump energy adviser, seemed interested in the post but many of the energy policy levers that states are accustomed to only have parallels with FERC, an independent subdivision of DOE.

Meanwhile, James Connaughton, a former utility executive who was Bush's head of CEQ, and the Chamber of Commerce's Karen Harbert, a former DOE assistant secretary, have as good a snapshot of the agency's mission statement as anyone being widely discussed. Venture capitalist

Robert Grady, another rumored candidate, was an adviser on energy and environment issues in the George H. W. Bush White House.

It may be several more weeks until Trump taps someone to run DOE.

"It's a tough place," a former Energy Department official said. "Anyone who really says they want to go there I wonder if they really know what they're getting into."

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Inside Moniz's mission to reshape the Energy Department [Back](#)

By Darius Dixon | 03/25/2016 05:00 AM EDT

The clock is ticking down on Ernest Moniz's three-year campaign to reshape the Energy Department's mammoth bureaucracy.

Even as he helped negotiate last year's Iranian nuclear deal and pressed the global effort to fight climate change, the energy secretary has sought to streamline the agency and improve how it oversees the national labs and approves new projects.

Unlike his predecessor, Steven Chu, who ran a department flush with \$35 billion in stimulus funding, Moniz has faced the budget sequester, a divided Congress and an agency bruised by bad press after the Solyndra solar imbroglio. And he's had to cope with that all while grappling with the still-unsolved problem of where to store much of the nation's nuclear waste.

"Some of these things are bigger and longer term than anybody who's in for a political term has the time and/or energy to deal with," said Dan Arvizu, who stepped down as director of the National Renewable Energy Laboratory last fall. "So, you pick your battles, pick what you're gonna do — your two or three things — and then recognize that your clock's going to run out before you know it."

Certainly Moniz, a high-ranking DOE official in the Clinton administration, entered the job knowing the challenges he faced. John MacWilliams, now a top official at the agency, recalled meeting with then-nominee Moniz at his Massachusetts Institute of Technology office in April 2013, while Cambridge was still under "shelter in place" restrictions after the Boston Marathon bombing.

"I walked in and every whiteboard in the office was filled with a detailed depiction of what became the reorganization of the department," MacWilliams said. By July of that year, Moniz unveiled his [reorganization plan](#) to the agency staff.

Many current and former DOE officials said Moniz's biggest agenda item was a relatively

unheralded one: creating the role of undersecretary for management and performance. That job focused on what Moniz and his advisers saw as their most difficult task: project management.

DOE projects tend to come in one size: massive, not only in their dimensions but in delays and cost overruns. Project management problems have kept the department on the Government Accountability Office's infamous High Risk List for a quarter-century, soured its relationship with Congress and frustrated the network of research labs that report to it.

The Management and Performance office went over well with the White House, a former DOE official said. It also appealed to lawmakers on Capitol Hill, who hoped it might address the agency's terrible record on nuclear waste cleanup.

Many of the frustrations over waste stem from the political stalemate over the Yucca Mountain project, as well as criticisms that DOE's weapons cleanup mission has progressed at an painfully slow pace, allowing costs to spiral higher.

"Everyone thinks Moniz is so great, but he will be leaving the biggest mess I have ever seen for his successor," one former senior DOE official said in an email. "By the time the real liability for nuclear waste is revealed, the cost estimate for refurbishing H Canyon [a nuclear chemical separations plant] is revealed, and every other mess he has left behind, Moniz will likely be the president of some prestigious university somewhere."

The official added: "I wonder if after a while all we'll be doing is paying fines and not doing any research, cleanup or management of fuels and [high-level waste]."

One conservative critic of the agency says waste cleanup, called environmental management, is DOE's single most important task.

"And the spectacularity with which it fails at it should give pause to anyone supporting any DOE activity beyond that, as far as I'm concerned," said Jack Spencer, an executive with the Heritage Foundation's Institute for Economic Freedom and Opportunity. "DOE should be focusing on that mission and not worrying about reducing the cost of solar panels, nuclear reactors or anything else that the market is perfectly capable of taking care of."

Much of the agency's work to overhaul its project management falls to MacWilliams, now an associate deputy secretary focused on tackling some of DOE's thorniest quagmires. He is also the agency's first chief risk officer.

A former investment banker who worked at Goldman Sachs and JP Morgan Partners, MacWilliams created a risk committee stacked with some of the agency's most senior project managers — people, he said, who know the "ground truth."

But some of those decisions have generated political heat, such as the effort to defund the MOX project in South Carolina.

Moniz's confirmation was held up for several weeks while Sen. Lindsey Graham (R-S.C.) sought

assurances about the administration's commitment to the project, which would process weapons-grade plutonium into nuclear fuel. But after Moniz came to power — and the release of several studies — he had to explain that the MOX project, which was billions of dollars over budget and decades behind schedule, was a mistake. The state has since sued DOE for not collecting nuclear material from the unfinished facility on time and this week Republican Gov. Nikki Haley pressed Moniz to halt a shipment of weapons-grade plutonium from entering South Carolina.

Moniz and MacWilliams have pushed for a cheaper alternative to move the plutonium out of the state about two decades ahead of schedule. But that would likely mean laying off of hundreds of contractors, and the state opposes it.

To MacWilliams, MOX is emblematic of a flawed DOE review process. It was a first-of-its-kind project that was approved with only 25 percent of its design completed, so it wasn't a surprise when it soon fell behind its deadlines. DOE's new Risk Committee now requires designs to be 90 percent completed for large nuclear projects, and forces managers to address the panel at each critical decision point, so MacWilliams said these problems are unlikely to recur. "We'll make mistakes but not these kinds of mistakes," he said.

The goal, Moniz says, is "staying ahead of the projects before they turn into big problems" — addressing "little alligators" before they turn into "big alligators," as he is fond of telling his staff.

While it's critical to make structural changes to how projects are reviewed, Moniz told POLITICO, federal spending is another issue.

"We have the funding to make serious progress," he said in an interview in his office. "We don't have all the funding we could use effectively to fast-track projects and ultimately save life-cycle costs substantially."

However, the Senate hasn't confirmed either of the people Obama nominated for the Management and Performance undersecretary post.

Another priority for Moniz has been to improve relations with the 17 national labs — some of which felt they had been pitted against each other under Chu — and improve their collaboration.

"Before we leave here, it is our intent to do a major integrative report on the laboratories," Moniz said. "That will be part of providing something that we can hand over to the next administration."

The labs have operations in 14 states, so their directors can be some of Moniz's best salespeople with the Senate if the department can gain the labs' trust and generate results.

"You have really smart people and for a while they felt like they weren't in the circle of trust," said Jonathan Levy, who helped manage the transition between the two secretaries and eventually became a deputy chief of staff to Moniz.

The labs have long felt put upon by both Congress and DOE headquarters — "One of us gets cancer, and all of us get chemotherapy," was how one former director of Sandia National Lab was known to describe the backlash from Washington. And although Chu had led a national lab himself, he didn't embrace the agency bureaucracy the way Moniz has, said Arvizu, who says he's briefed eight energy secretaries during his roughly 40 years in the lab system.

"Steven Chu's a brilliant scientist. Certainly though, one of his favorite things is not to manage a bureaucracy," Arvizu said. Where Moniz uses collaboration, Chu unintentionally fostered a competition that was "absolutely destructive" for the labs.

Moniz also instituted a tonal change that was "huge" among lab employees by insisting that no one at DOE headquarters call them "contractors," preferring instead "strategic partners," Arvizu said.

Arvizu said the lab directors see their relationship with headquarters as better than ever, but they fear that ties with Washington will erode under the next secretary. So the lab directors are looking to make permanent the councils and meetings that have been set up under Moniz.

"Institutionalize," he said, has "been the watchword for the last year or so."

Moniz is similarly boastful of how relations have improved with the labs.

"If you look out there you will see that the laboratories are doing a lot more work together now, collaboratively trying to be more than the sum of the parts," he said.

Moniz has also tried to bring together the Energy Department's agency's "applied" and basic science offices, and he executed a long-expected merger between the science and energy undersecretaries.

That built on Chu's efforts, said Brandon Hurlbut, Chu's former chief of staff, who is now consults on energy-sector investing. But Chu also had to focus on carrying out a new president's priorities and rolling out billions of stimulus dollars.

Also, changing the relationship between the applied and basic research runs counter to traditional roles inside the agency bureaucracy, said David Garman, who served as an energy undersecretary under George W. Bush, in an email.

"[T]he renewable energy interests, the nuclear interests, and the fossil interests each like having their own assistant secretary as their inside-the-administration cheerleader," Garman said. "They would all probably oppose a rational reorganization, and they would incite their allies in Congress to fight it as well."

Garman argues that DOE offices should be organized by energy use, like transportation or buildings, rather than by energy source, such as nuclear, and he helped write a proposal for DOE reform in 2013.

Though he praised many of Moniz's changes, Garman argued that both Obama's energy secretaries took a path of least resistance.

"Neither Secretary Chu nor Secretary Moniz wanted to take that fight on, so instead they implemented ARPA-E, the Innovation Hubs, the Energy Frontier Research Centers, and the Lab Councils while launching crosscutting initiatives on issues such as grid modernization," he wrote. "These are essentially workarounds that overlay the organizational stovepipes. Is it wasteful and duplicative? Yes. But it avoids upsetting the stakeholders and is thus politically convenient."

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House panel approves bipartisan update to Safe Drinking Water Act [Back](#)

By Annie Snider | 07/13/2017 11:49 AM EDT

A House measure to update the Safe Drinking Water Act is gaining bipartisan momentum after lawmakers approved a slate of amendments during subcommittee markup this morning.

Among the changes made to the [Drinking Water System Improvement Act](#) by the House Energy and Commerce Committee's environment subpanel is a boost to the popular Drinking Water State Revolving Fund's authorization, allowing \$8 billion in spending over five years. Also approved were [amendments](#) supported by Democrats to require states to spend a minimum share of federal dollars on disadvantaged communities, encourage removal of lead service lines and require projects supported with federal funds to use American-made iron and steel.

Rep. [Paul Tonko](#) (D-N.Y.), the top Democrat on the subcommittee, said the measure that will now go to the full committee was a compromise after his party pushed for major increases in federal funding and changes to the process EPA must follow in order to set new drinking water standards.

"This bill reflects compromise. It is not the bill Democrats would have written on our own," Tonko said. "We have met halfway to get this bill on the path to being able to be supported by every or nearly every member of this committee."

WHAT'S NEXT: The measure heads to the full House Energy and Commerce Committee for consideration.

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Senate panel cancels Thursday votes on DOE, Interior nominees [Back](#)

By Esther Whieldon | 07/26/2017 03:10 PM EDT

The Senate Energy and Natural Resources Committee today canceled its scheduled Thursday morning vote on a half dozen Energy and Interior Department nominees.

The panel had been slated to vote on Mark Wesley Menezes to be DOE undersecretary, David Jonas for DOE's general counsel, Paul Dabbar to be DOE undersecretary for science, Brenda Burman to lead Interior's Bureau of Reclamation, Susan Combs to be Interior's assistant secretary of policy management and budget, and Douglas Domenech to be Interior's assistant secretary of insular affairs.

WHAT'S NEXT: The committee did not state the reason for holding off on a vote but on its website [said](#) the business meeting is "postponed until a date and time to be determined."

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Commerce extends marine monuments review comment deadline [Back](#)

By Esther Whieldon | 07/26/2017 06:00 PM EDT

The Commerce Department is giving the public through Aug. 14 to comment on its review of 11 marine national monuments and sanctuaries.

NOAA this afternoon [announced](#) it would extend the comment window due to "public interest and requests for additional time."

Per an executive order President Donald Trump signed in April, the Commerce Department, in consultation with the secretaries of Defense, Interior and Homeland Security, has until Oct. 25 to send the White House its analysis of the monuments and sanctuaries. The report will include the costs of managing the monuments and sanctuaries, the extent to which state, tribes and other agencies were consulted before those designations were made and the potential for offshore fossil fuel production on the Outer Continental Shelf in those areas.

Because the original comment deadline ends today, the agency is technically going to re-open the comment period for another 15 days starting July 31 but said it will accept any comments submitted in the meantime.

WHAT'S NEXT: The agency will continue to accept comments through Aug. 14.

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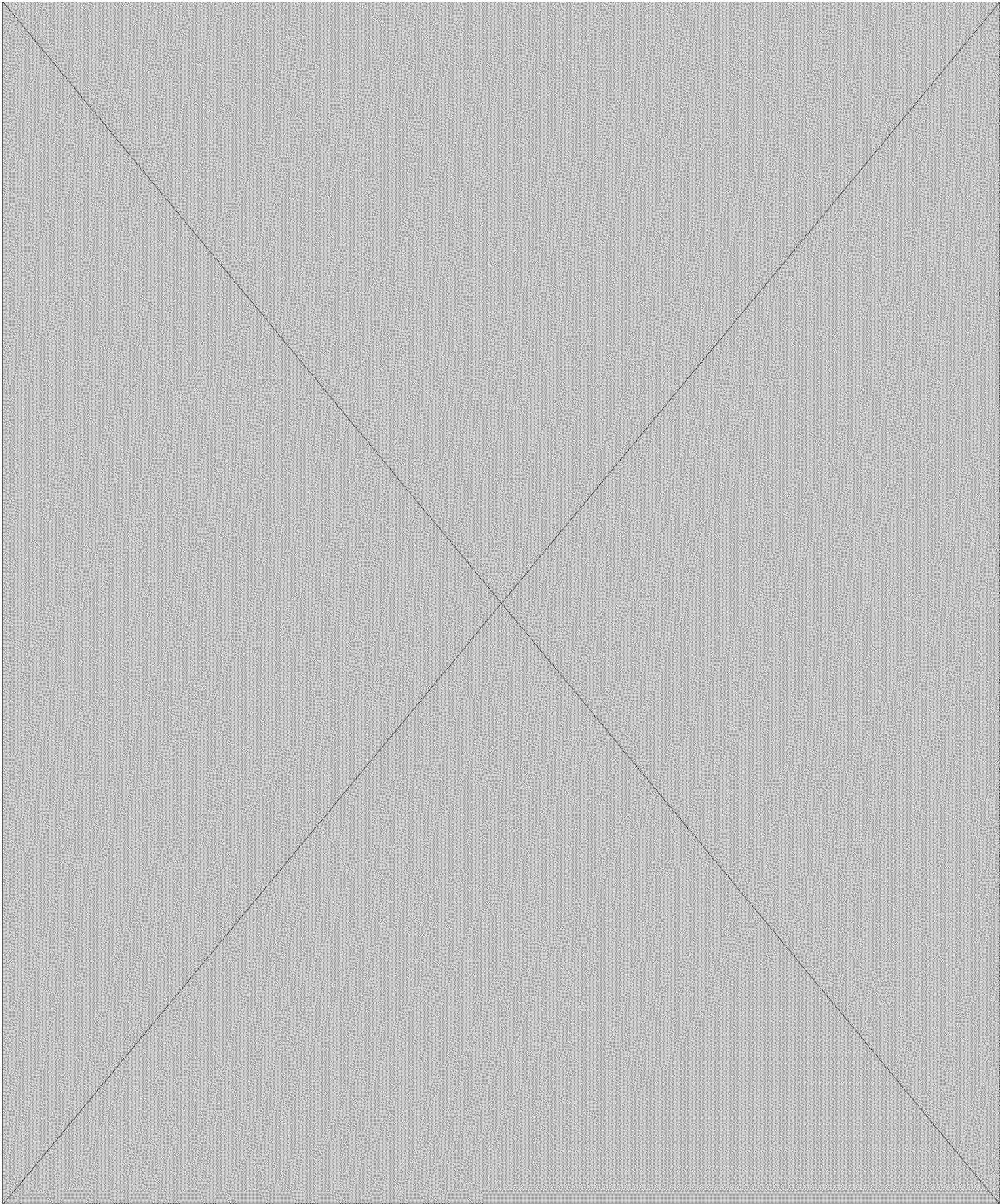
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CNAS EVENT INVITATION

A New Era in U.S.-Russian Strategic Stability

The Center for a New American Security invites you to the release of a new report, *Navigating Dangerous Pathways: A Pragmatic Approach to U.S.-Russian Relations and Strategic Stability*, featuring remarks from former Secretary of Defense William J. Perry. The report, by James N. Miller, Jr. and Richard Fontaine, explores ways to promote U.S.-Russian strategic stability in the face of new and disruptive technologies.

Join us on **Monday, December 4, 5:30 pm at the Center for a New American Security at 1152 15th Street NW, Suite 950**, for a fireside chat followed by a panel discussion on the impact of emerging technologies on the U.S.-Russian nuclear balance.

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Former Secretary of Defense

James N. Miller, Jr.
Former Undersecretary of Defense for Policy

Richard Fontaine
President, Center for a New American Security

Panel Discussion Featuring:

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Former Secretary of Defense

Celeste A. Wallander
Former Special Assistant to the President for National Security Affairs
Former Senior Director for Russia and Central Asia on the National Security Council Staff

James N. Miller, Jr.
Former Undersecretary of Defense for Policy

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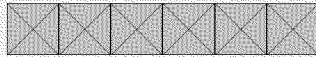
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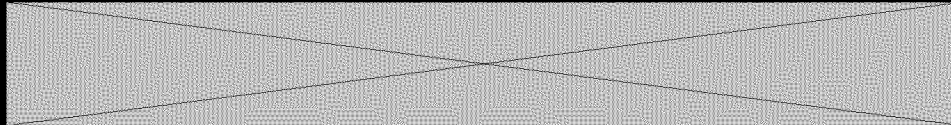
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Your conference leader for **The Art and Science of Asking Questions** is Dave Dolkas. Mr. Dolkas is a partner in the Intellectual Property Litigation Group of McDermott Will & Emery. Mr. Dolkas is the author of *Managing Complex Litigation: A Guide to MAP*, (manage, analyze and present) a complex case 3rd Ed. (LexisNexis, 2016) and the author of numerous articles and a frequent presenter on topics concerning managing and presenting complex cases. Mr. Dolkas focuses primarily on patent cases, but has served as lead trial counsel on a variety of complex cases, including trade secret misappropriation, complex commercial and product liability cases. He was recently ranked in the 2016 edition of *IAM Patent 1000-The World's Leading Patent Practitioners*, the 2016 edition of *Best Lawyers in America*, and as a Benchmark Litigation Star in intellectual property by *Benchmark Litigation*.

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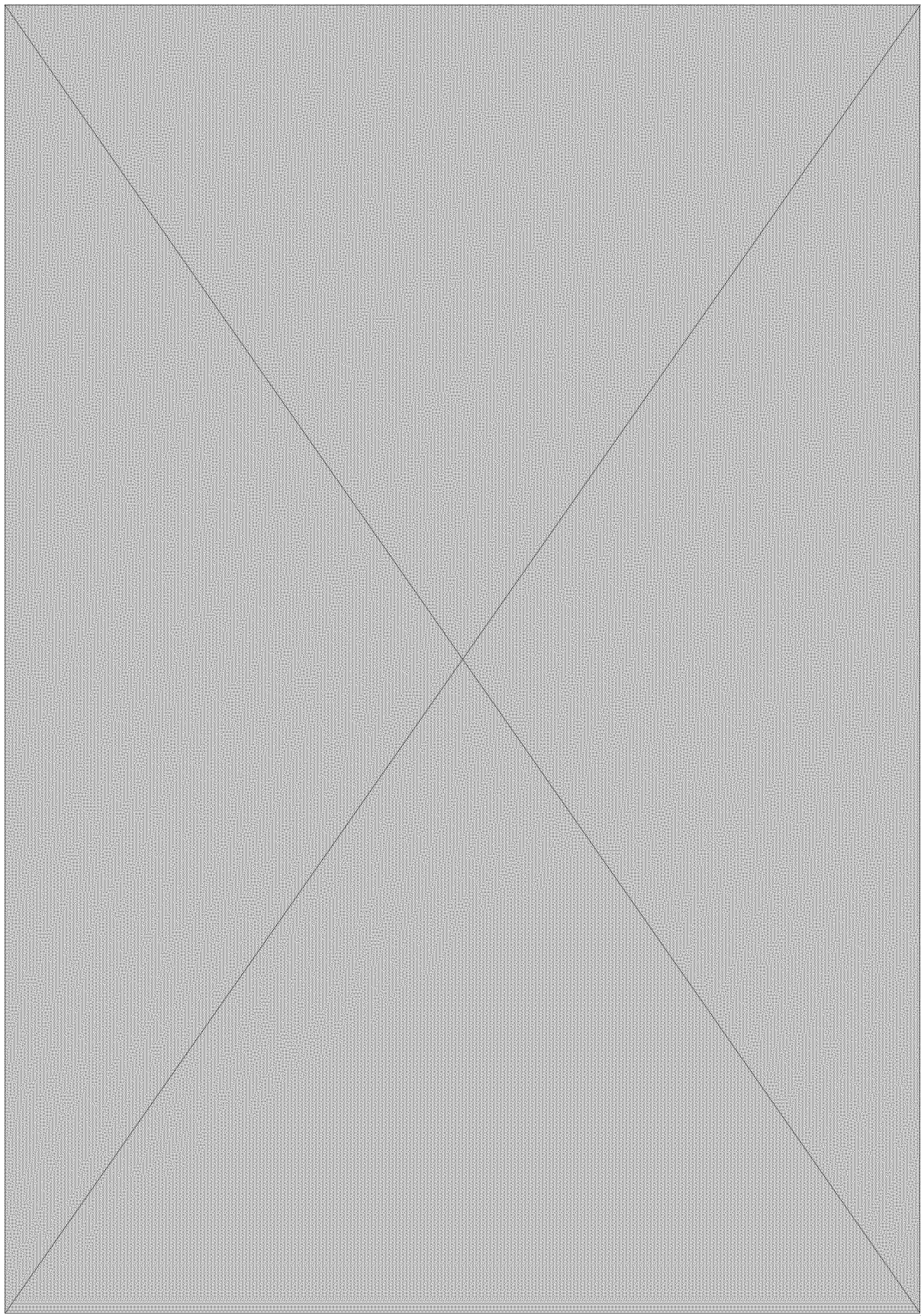
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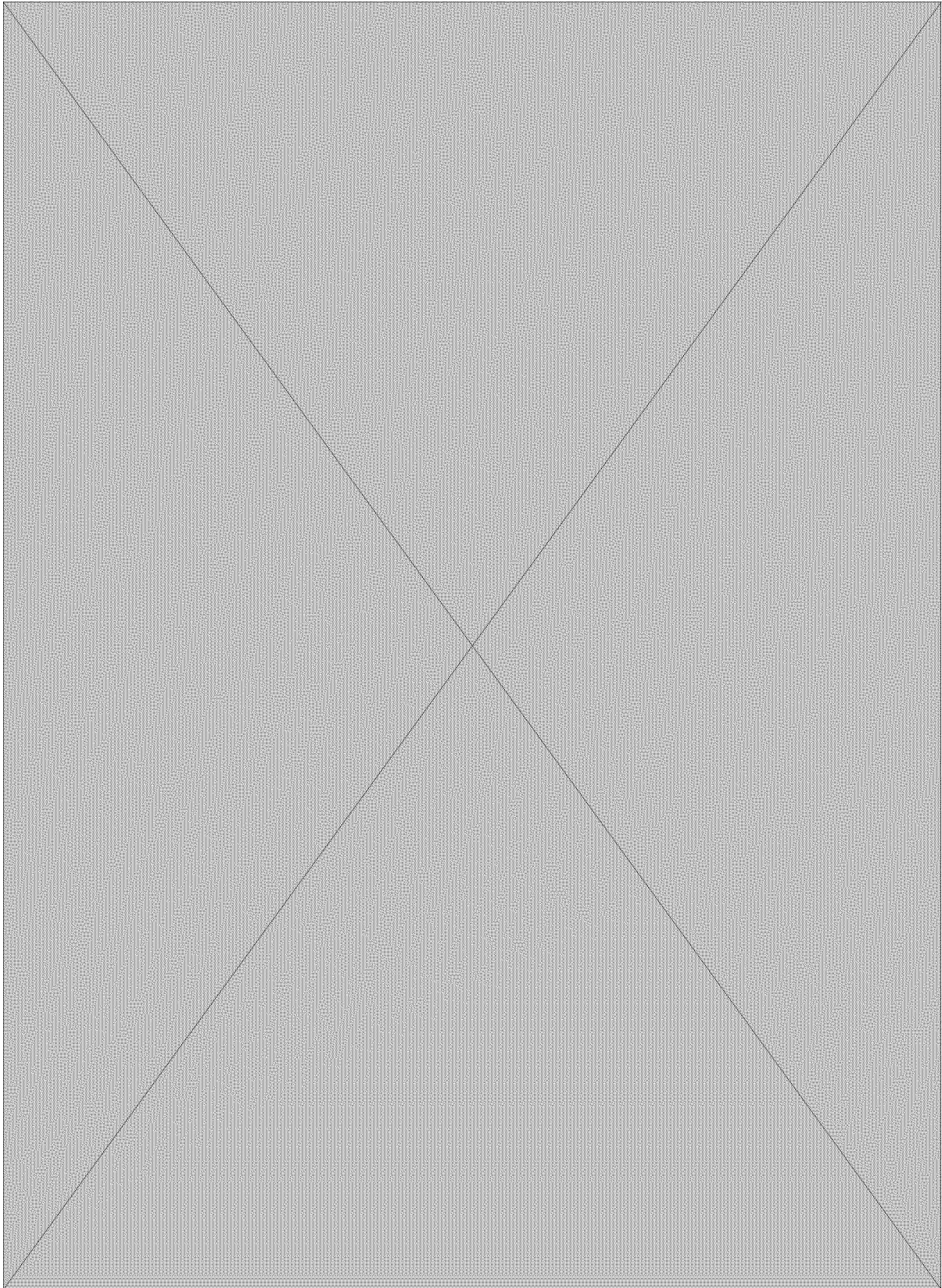
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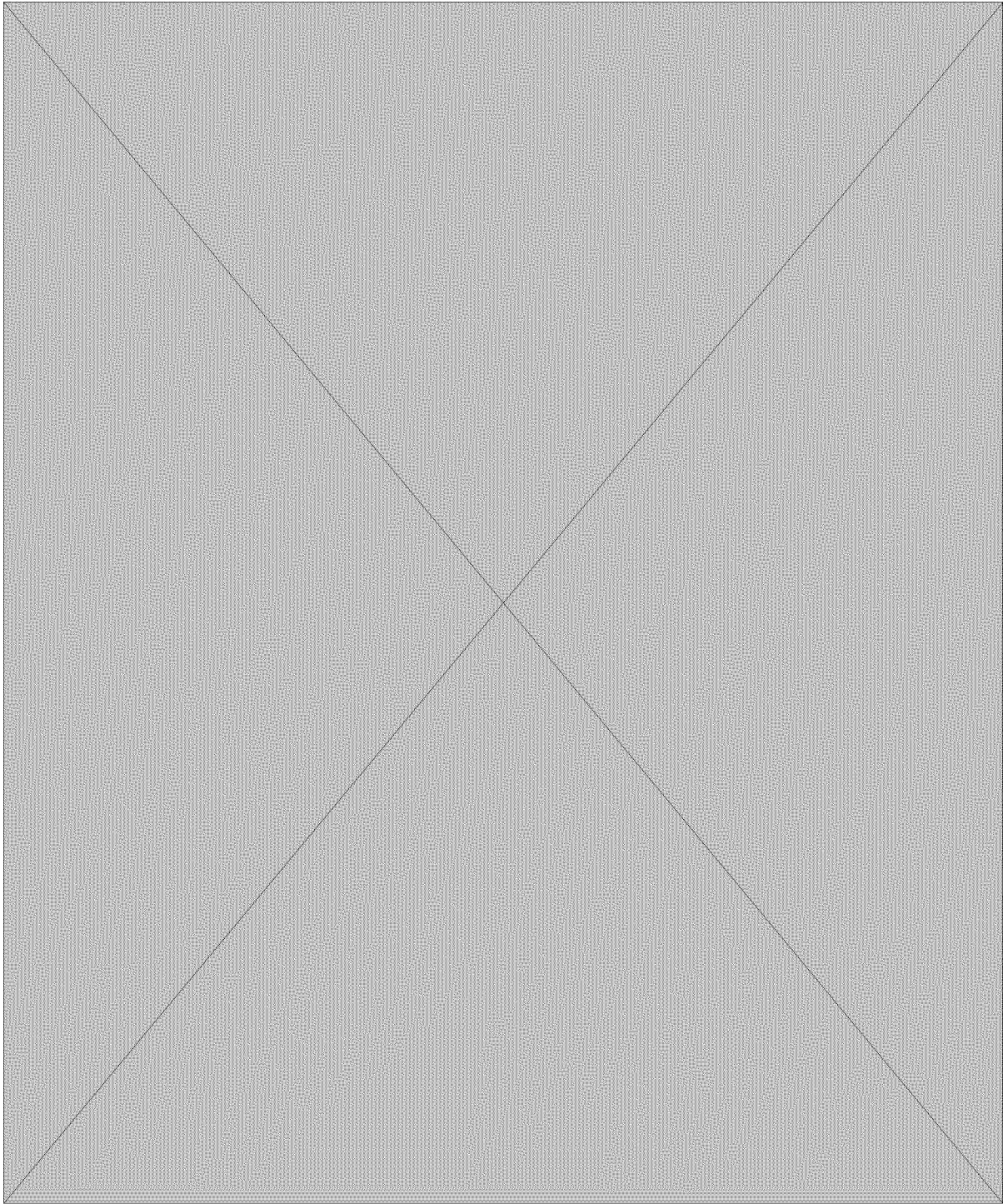
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From: EPA Press Office
Sent: Thur 11/16/2017 3:00:08 PM
Subject: EPA Announces Appointment of Alexandra Dunn to Region 1 Administrator

EPA Announces Appointment of Alexandra Dunn to Region 1 Administrator

WASHINGTON (November 16, 2017) - Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt announced the appointment of Alexandra Dapolito Dunn to become Regional Administrator for Region 1. With over two decades of experience in environmental law, legislation, policy, and regulatory affairs, Ms. Dunn will oversee federal environmental protection efforts in: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Alexandra Dunn currently serves as executive director and general counsel for the Environmental Council of States (ECOS), a national nonprofit, nonpartisan organization committed to helping state agencies improve environment outcomes for Americans. Since 2014, Ms. Dunn has helped state governments improve water infrastructure, air pollution control, site cleanup, chemical management, and economic development. Prior to joining ECOS, Ms. Dunn served as executive director and general counsel for the Association of Clean Water Administrators.

Ms. Dunn has also been published in the areas of the ethics of community advocacy, environmental justice, urban sustainability, water quality, cooperative federalism, and the Clean Water Act. And, she taught environmental justice and human rights and the environment as dean of Environmental Law Programs at the Elisabeth Haub School of Law at Pace University. She also taught at the Columbus School of Law, Catholic University of America, where she currently serves as faculty adviser to the student Environmental Law Society. Ms. Dunn most recently taught environmental justice as an Adjunct Associate Professor of Law at the American University's Washington College of Law.

This October, Ms. Dunn was elected to the Board of Regents of the American College of Environmental Lawyers and she serves on the executive committee and board of directors of the Environmental Law Institute. She has chaired the American Bar Association's (ABA) section of Environment, Energy, and Resources, its World Justice Task Force, and served on the ABA Presidential Force on Sustainable Development.

"Alexandra Dunn is exceptionally qualified to carry out administrative duties to lead our New England office," **said EPA Administrator Scott Pruitt.** "Not only has she spent the last several years developing effective environmental policies for our state partners, but has also helped shape a number of aspiring environmental lawyers at one of the nation's leading environmental law programs. Her service to others will be key to helping implement this administration's positive environmental agenda for our northeast region."

Her nomination is receiving high accolades from across the region:

Janet Coit, Director, Rhode Island Department of Environmental Management: "As the head of a state environmental agency, I hoped for the appointment of an EPA regional administrator with expertise in environmental laws and issues and sensitivity to the importance of the special relationship between the states and the USEPA. Alex Dunn has mastery and understanding of both and tremendous relevant experience to bring to bear to her role as Regional Administrator. She is

an excellent choice and will bring a constructive and informed approach to New England, a place where there is strong federal-state partnership and a collaborative approach to our important environmental protection work with USEPA.”

John Cruden, president, American College of Environmental Lawyers: “Alexandra Dunn is a superb administrator with exceptional environmental expertise. She can be counted on to push to advance the environment, work collaboratively with the States in her Region, and support career officials doing their important work.”

Andrew Fisk, executive director, Connecticut River Conservancy: “Alexandra is a committed environmental attorney with a solid record of experience that will serve her well. She understands the important role of citizen organizations in improving the quality of our environment. We look forward to working with her to build on New England’s proud tradition of environmental protection.”

Scott Fulton, president, Environmental Law Institute: “I strongly support Alexandra Dunn’s appointment as Regional Administrator for EPA Region 1. She is a terrific talent and an extremely capable leader, with demonstrated ability to work effectively with a diverse array of stakeholders and interests. Her appointment makes for a great day for EPA and the good people of New England.”

Robert J. Klee, Commissioner, Connecticut Department of Energy and Environmental Protection: “I want to congratulate Alexandra on her nomination to become the next EPA Region 1 Administrator. She is a consensus builder who is well respected by many in the environmental community thanks to her extensive background and knowledge of environmental law and policy. I look forward to working with her in this new role on the issues that matter most to Connecticut residents, such as water quality in our lakes, rivers, and Long Island Sound, ozone and transport of pollutants from upwind to downwind regions, and climate change mitigation and adaptation. It is imperative that the federal government and states work together to address our most pressing environmental issues - and I have full confidence that Alex will continue to build upon decades of positive interactions between EPA Region 1 and our New England States.”

Amanda C. Leiter, professor, American University Washington College of Law: “I am thrilled to learn of Ms. Dunn’s appointment. For the past few years, she has taught environmental justice as an adjunct professor in American University Washington College of Law’s summer program. Students gave the course very positive reviews and regularly commented on Professor Dunn’s depth of knowledge about the subject area and her willingness to make herself available outside of class hours. My colleagues and I will be sorry to lose her from AU, but we are very pleased she will be bringing her extensive background in and deep commitment to environmental justice to EPA Region 1.”

Paul Mercer, Commissioner, Maine Department of Environmental Protection: “Alexandra Dapolito Dunn has a demonstrated ability to work as a partner and facilitator for the States. She also has the breadth and depth of knowledge of the environmental issues faced by the Region 1 States. We look forward to working with Alexandra to continue progress making our water and air cleaner through practical and cost-effective strategies.”

Julie Moore, Secretary, Vermont Agency of Natural Resources: “The partnership between EPA and state environmental agencies is incredibly important. Through her work at ECOS, Alexandra has been committed to building and strengthening this relationship and I look forward to her continued support in this new capacity.”

Robert R. Scott, Commissioner, New Hampshire Department of Environmental Services: “Alexandra is a great choice for Regional Administrator. She has vast experience in working on environmental issues and well understands the needs and perspective of the states. She helped

champion the recasting of the EPA-State relationship through Cooperative Federalism at the **Environmental Council of the States** and now will be in a position to advance those principles even further.”

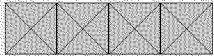
Susan Sullivan, executive director, New England Interstate Water Pollution Control

Commission: “Ms. Dunn is a consummate professional and her years of working on behalf of the states at the Environmental Council of the States and the Association of Clean Water Administrators will serve her well in her new role. NEIWPCC, our member states, and EPA have had a long history of working well together. I look forward to continuing this strong relationship with Ms. Dunn and her Region 1 staff.”

Martin Suuberg, Commissioner, Massachusetts Department of Environmental Protection:

“Alex Dunn has significant experience in environmental law and has been a strong environmental advocate for states during her years of service with ECOS. The Commonwealth looks forward to continuing our work with her in this new role as Region 1 Administrator.”

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Sent: Thur 8/17/2017 3:20:15 PM
Subject: WSJ: Coal Makes a Comeback

THE WALL STREET JOURNAL

Coal Makes A Comeback

Trump's policies and exports to Europe are helping the industry.

Wall Street Journal

Editorial Board

August 16, 2017

<https://www.wsj.com/articles/coal-makes-a-comeback-1502926053>

Not long ago liberals hailed the demise of coal as inevitable while the Obama Administration strangled the industry with regulation. But don't look now, Tom Steyer, because coal is showing signs of a revival and breathing economic life into West Virginia and other coal states.

Former Environmental Protection Agency Administrator Gina McCarthy proclaimed in 2015 that coal "is no longer marketable." She planned to be the lead undertaker. The Obama Administration worked tirelessly to fulfill her mission and may have succeeded had Hillary Clinton become President. "We're going to put a lot of coal miners and coal companies out of work," the 2016 Democratic nominee famously promised.

Yet the Trump Presidency seems to have lifted animal spirits and coal. Weekly coal production has increased by 14.5% nationwide over last year with even bigger bumps in West Virginia (19%), Pennsylvania (19.7%) and Wyoming (19.8%). Exports were up 58% during the first quarter from last year. Apparently coal can be marketable if regulators let it be.

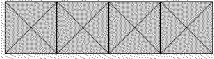
The Obama Administration first targeted coal consumption with rules on mercury emissions and ash disposal that would have made it next to impossible to build a new coal-burning power plant. Then came the 2015 Clean Power Plan that would have forced the existing fleet of coal plants into early retirement.

Finally, the Obama anti-coal warriors sought to shut down coal's export potential. Thick-seamed coal on federal land in the Powder River Basin overlying Wyoming and Montana is relatively clean-burning and inexpensive to mine. The Obama Interior Department suspended new coal leases on federal land last winter and then reassessed royalty payments—thereby reducing investment and profitability. In December came the *coup de grâce*: Interior's stream rule usurping state authority over permitting.

President Trump has called a cease fire to his predecessor's "war on coal." In February he signed a resolution repealing the stream rule under the Congressional Review Act. The Supreme Court stayed the Clean Power Plan in February 2016, and [EPA Administrator Scott Pruitt](#) is dismantling the power rule as well as the ash and mercury rules.

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June 29, 2017

News Analysis

The Emerging Debate Over New TSCA Rules: 'Achievable' v. 'Lawful'

The Trump administration's recently unveiled framework rules for implementing key provisions of the new Toxic Substances Control Act (TSCA) are sparking a debate that suggests different visions for how the law should be implemented in the future with EPA officials saying the rules were crafted to be "achievable," while agency critics charge they still need to be lawful.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Center for a New American Security
Sent: Thur 11/30/2017 6:48:49 PM
Subject: CNAS Press Note: Will the President Move the U.S. Embassy to Jerusalem?

Reports have surfaced that the Trump administration is considering moving the U.S. embassy in Israel from Tel Aviv to Jerusalem.

Contact:
Neal Urwitz
nurwitz@cnas.org
(202) 457-9409

CNAS PRESS NOTE

CNAS Press Note: Will the President Move the U.S. Embassy to Jerusalem?

Washington, November 30 – With reports surfacing that the Trump administration is considering moving the U.S. embassy in Israel from Tel Aviv to Jerusalem, Center for a New American Security (CNAS) Middle East Security Program Director Ilan Goldenbergh has written a new press note providing context and laying out the risks of such a move. The press note “Will the President Move the U.S. Embassy to Jerusalem?” is below.

There are a number of reports in the American and Israeli press indicating that the White House is seriously considering moving the U.S. embassy from Tel Aviv to Jerusalem. The reason for the speculation is that under the Jerusalem Embassy Relocation Act of 1995 the president must in the next few days either begin the process of recognizing Jerusalem as Israel's capital and moving the U.S. embassy to Jerusalem or waive the requirement on the grounds that it is not in the U.S. national security interest to proceed with the move at the moment. It seems most likely that at this point the president will waive the requirement and not move ahead with the embassy move, but the final outcome is still uncertain and it is also possible that the administration pursues a middle path solution.

The U.S. government position has long been that by moving the U.S. embassy to Jerusalem it would be prejudging the final disposition of Jerusalem, which is a final status issue that should be negotiated between the two parties. The reality is, though, that in any two-state agreement Jerusalem will be the capital of Israel and almost certainly also the capital of a new Palestinian state.

Because of its religious significance, Jerusalem is a hot button issue for Israelis, Palestinians, and more broadly across the Muslim world. A unilateral move by the United States with regards to Jerusalem comes with a number of risks. First, the administration has indicated that in the months ahead it plans to propose a peace plan to the parties. Taking this step now unilaterally risks undercutting that process. There is also the risk of an angry response in the Arab world. This could include the targeting of American diplomatic facilities across the region with protests and potential violence. It could also mean instability in Jordan, a close security partner of both Israel and the United States, whose population is majority Palestinian. And there could also be a widespread outbreak of protests or violence in the West Bank and Gaza.

The administration may also be considering other middle ground options. One would be to recognize West Jerusalem as Israel's capital but not move the embassy and say nothing about East Jerusalem, which is the truly contested territory. Another option, which seems less likely, would be to recognize two capitals in Jerusalem and have two American embassies in the city – one for Israelis and one for Palestinians. Given the delicate situation and the fact that the administration is planning to pursue a larger initiative in the months ahead, the wisest move right now would be to simply continue to waive the requirement to move the embassy to Jerusalem.

Goldenberg is available for interviews. To arrange an interview, please contact Neal Urwitz at 202-457-9409 or nurwitz@cnas.org.

The Center for a New American Security (CNAS) is an independent and nonpartisan research institution that develops strong, pragmatic and principled national security and defense policies. CNAS leads efforts to help inform and prepare the national security leaders of today and tomorrow.

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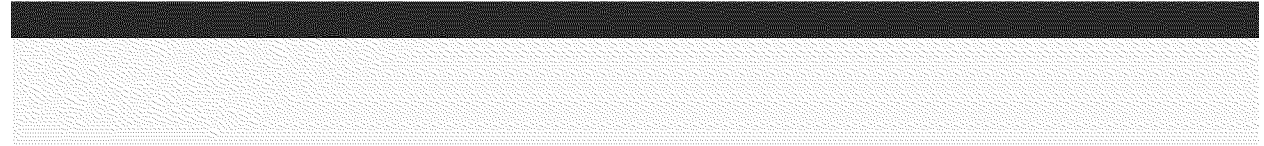
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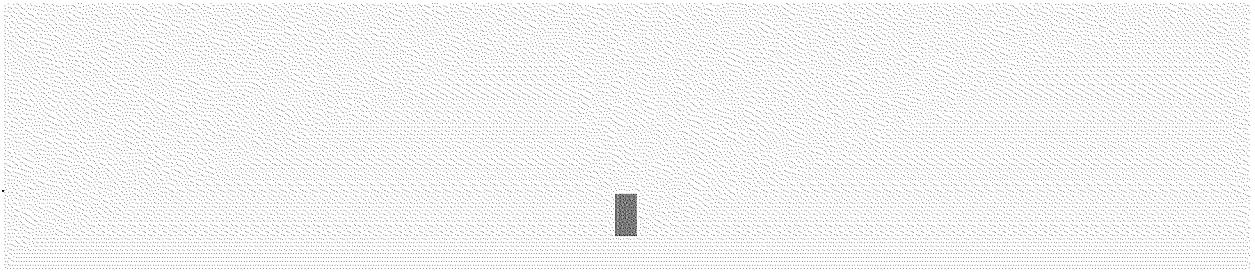
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Subject: Morning Consult Washington, Presented by the Electronic Payments Coalition: Trump to Meet With House Republicans Ahead of Today's Tax Reform Vote



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¹ Source: Pew Research Center: Political Polarization & Media Habits, 2014

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Subject: Morning Consult Washington: White House Grapples With Reaction to Trump's Charlottesville Remarks

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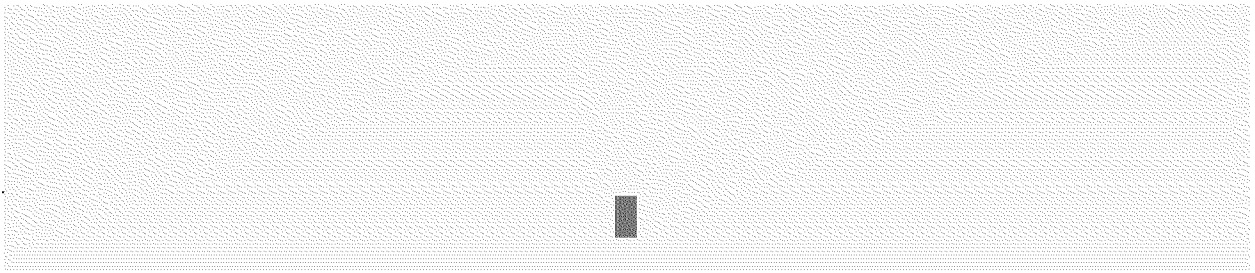
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 10/17/2017 6:17:35 PM
Subject: Pruitt to limit science advisers who have received grant money

By Alex Guillén

10/17/2017 02:14 PM EDT

EPA Administrator Scott Pruitt today questioned whether scientists who received agency research grants in the past should be allowed to serve on its various advisory boards, and said he would issue an order limiting their roles.

Speaking at a Heritage Foundation event, Pruitt said that he is concerned about the recommendations coming from advisers who have received "sometimes tens of millions" of dollars in research grants from EPA.

"If we have individuals that are on those boards receiving money from the agency — sometimes going back years and years to the tune of literally tens of millions of dollars over time — that to me causes question on the independence and the veracity and the transparency of those recommendations that are coming our way," he said.

"Next week I'm going to issue a directive that addresses that ... to ensure the independence and transparency and objectivity with respect to the scientific advice that we're getting at the agency," he added.

Pruitt did not specify whether his order would simply impose restrictions or outright ban any scientist who has received grant money.

The move is likely to cause further uproar from Pruitt's critics, particularly since many established and reputable scientists have received a research grant from EPA in the past. EPA ethics rules prohibit board members from having a current grant.

House Republicans have unsuccessfully pushed legislation in recent years that would bar grant recipients from serving on EPA's boards.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/10/pruitt-to-limit-science-advisers-who-have-received-grant-money-094388>

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June 29, 2017

Now available: The latest issue of Inside EPA.

Top Stories

States Hopeful Pruitt Will Back Crucial Grants Despite Proposed FY18 Cuts

Some state officials are hopeful that EPA Administrator Scott Pruitt will support continuing crucial grants to states for monitoring, cleanups, and other programs despite President Donald Trump's proposal to slash the grants in fiscal year 2018, with the officials citing Pruitt's weak defense of the cuts and ongoing agency issuance of the grants.

EPA Said To Eye Former State Officials For Water, General Counsel Slots

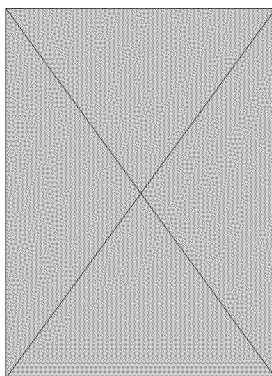
EPA is said to be considering two former state environment officials for top slots leading its water and general counsel's office: Matthew Z. Leopold, a former Florida official for the general counsel spot, and David Ross, a former Wisconsin official, to head the water office, sources say.

States, Environmentalists Fault EPA Over Secrecy With Ozone 'Task Force'

Some states and environmentalists are faulting EPA's secrecy over the work of its internal "task force" crafting a report to Congress on how to ease implementation of agency ozone standards, with states saying they are excluded from the effort and environmentalists fearing that the report will lead to weakening of the standards.

Court Maintains Utility ELG Delay Suit, Extending Uncertainty On EPA Power

A federal district court judge has rejected the Trump EPA's bid to quickly dismiss environmentalists' suit over its indefinite delay of compliance deadlines in the Obama agency's power plant effluent rule, extending the legal uncertainty over the Trump administration's authority for contested stays it has issued for a slew of Obama-era rules.



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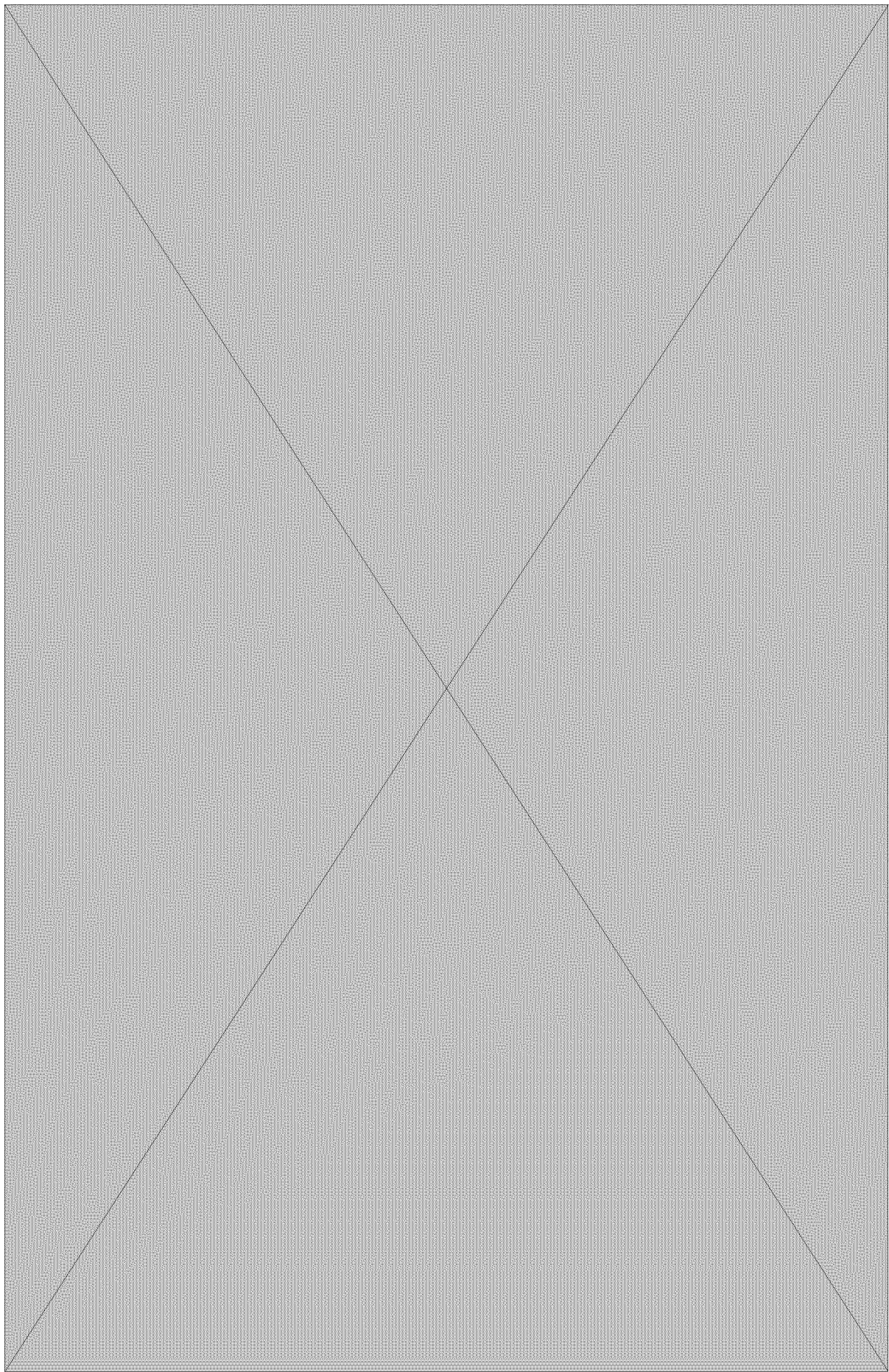


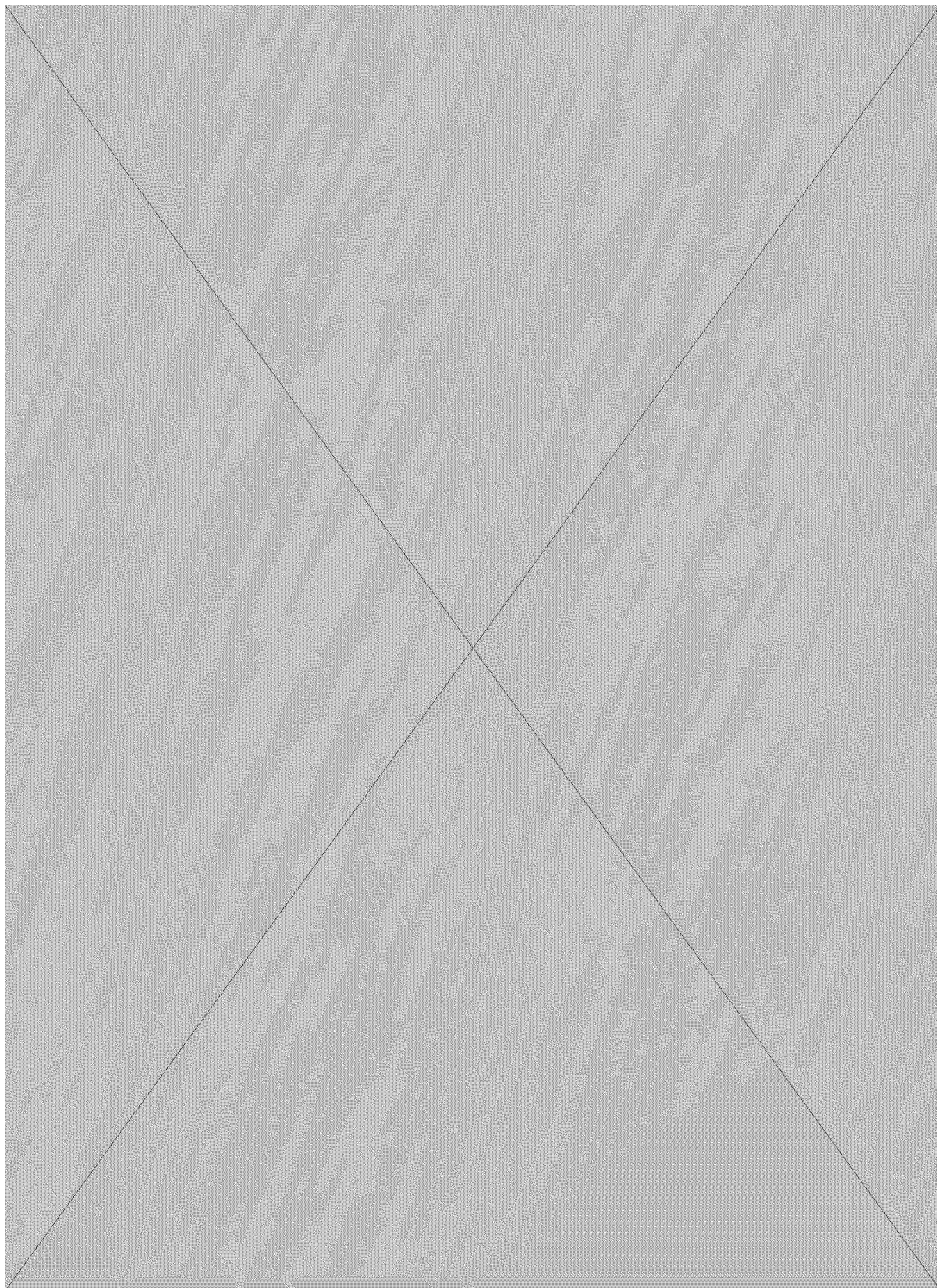
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Subject: Breaking News: Carper Weighs Bipartisan Call For 2030 Vehicle GHG Rules

June 28, 2017

Breaking News

Carper Weighs Bipartisan Letter Seeking Talks On 2030 Vehicle GHG Rules

Sen. Tom Carper (D-DE) is said to be in the early stages of developing a bipartisan letter that could urge the Trump administration to negotiate light-duty vehicle greenhouse gas and fuel economy limits out to 2030 -- potentially offering an eased political path to giving automakers some flexibility in current rules through 2025 in exchange for continued progress in later years.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Tue 11/21/2017 5:00:09 PM
Subject: EPA Extends Enforcement Discretion for Electricity Generation in Puerto Rico

EPA Extends Enforcement Discretion for Electricity Generation in Puerto Rico

WASHINGTON (November 21, 2017) - The U.S. Environmental Protection Agency (EPA) today announced that it will extend enforcement discretion for Puerto Rico Electric and Power Authority (PREPA) facilities that have been impacted or damaged by Hurricane Maria through January 31, 2018. Today's action extends a "no action assurance" issued by EPA on October 6, 2017, and will continue to provide the utility relief from some Clean Air Act permit conditions and permitting requirements, including emission limits, hours of operation limits, fuel usage restrictions, and restrictions on the shutdown or bypass of pollution control equipment for most of their electric generating units operating in Puerto Rico.

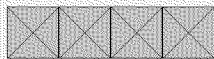
"Extending the enforcement discretion for local power facilities is an important step to ensuring power is restored in communities across Puerto Rico," **said EPA Administrator Scott Pruitt.**

Under EPA's no action assurance letters, the facilities must continue to exercise good air pollution control practices and comply with all other federal, state and local environmental laws. EPA policy allows the Agency to issue no action assurances in cases where it is necessary to avoid extreme risks to public health and safety and where no other mechanism can adequately address the matter. EPA believes that the exercise of enforcement discretion in these circumstances is in the public interest and will help address the emergency circumstances in Puerto Rico.

EPA is working closely with the government of Puerto Rico to assist PREPA with bringing more customers on line as quickly as possible.

EPA continues to coordinate closely with federal, commonwealth, territory, and local partners as the Agency responds to the impact of Hurricane Maria. EPA is focused on environmental impacts and potential threats to human health as well as the safety of those in the affected areas.

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Subject: Tribune-Review: An End To EPA's 'Sue & Settle'

TRIBUNE-REVIEW

An End To EPA's 'Sue & Settle'

Editorial

October 22, 2017

<http://triblive.com/opinion/editorials/12850517-74/trib-editorial-an-end-to-epas-sue-settle>

The days of special interests potentially forcing policies from the Environmental Protection Agency through a process known as "sue and settle" are over. EPA Administrator Scott Pruitt has issued guidelines that preclude any regulatory tinkering under the guise of lawsuit settlements or backdoor deals that limit public comment and/or hamstring the agency's due diligence.

"We will no longer go behind closed doors and use consent decrees and settlement agreements to resolve lawsuits filed against the agency by special-interest groups where doing so would circumvent the regulatory process set forth by Congress," Mr. Pruitt said.

The Obama administration has denied imposing any illegal regulations originating from EPA settlements with environmental groups. Pruitt's directive simply closes the door to any questionable agreements in the future.

Under the new policy, the EPA will contact any state or entity affected when a lawsuit settlement or consent decree is under consideration. It also ensures that the EPA won't create any new regulations in the settlement process.

That's fair. And it should prompt other federal agencies that routinely face agenda-driven litigation to do the same.

Yet Pruitt's move drew rebukes from environmentalists, one of whom predicted that the EPA boss "will be spending a lot more of your taxpayer dollars defending his inaction in court."

If need be, yes — but openly and without any nodding and winking.

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Subject: EXAMINER: EPA needs to stick to its knitting

THE WASHINGTON EXAMINER

EPA Needs To Stick To Its Knitting

Editorial

September 18, 2017

<http://www.washingtonexaminer.com/epa-needs-to-stick-to-its-knitting/article/2634483>

Barack Obama decided that the 1992 Clean Air Act gave the Environmental Protection Agency the authority to force states to regulate carbon dioxide emissions from power plants.

He also expanded the Clean Water Act with a regulation called "Waters of the United States," which aimed to give the EPA regulatory control over land if sometimes it holds standing water.

The running theme of the Obama EPA was expanding the agency's reach and multiplying its responsibilities. This campaign was repeatedly halted by courts, but it has threatened to erode liberty and make life more expensive for families, farmers, and companies.

But the most tangible consequence of the EPA's mission creep has been the neglect of its core functions.

Trump's EPA Administrator Scott Pruitt laid out Obama's legacy in a recent interview with the Washington Examiner. "He left us with more Superfund sites than when he came in," Pruitt said, referring to contaminated lands which the EPA is supposed to be remediating. "He had Gold King and Flint, Michigan," Pruitt went on, referring to the massive 2015 spill of mine waste into the Animas and San Juan Rivers. Obama also left "air quality standards 40 percent of the country in nonattainment," Pruitt added.

The problem? Obama's EPA wouldn't stick to its knitting. Pruitt aptly described the EPA's mindset under Obama: "We think we just ought to re-imagine authority because you know what? We don't know if people are going to pass regulations or states are going to do their jobs."

Pruitt promises to return the EPA to its proper mission and to limit its activities to those actually prescribed by Congress. Will Pruitt's EPA address greenhouse gas emissions? Obama justified his Clean Power Plan by asserting the urgency of the issue. But the executive's belief that an issue is important doesn't give the executive branch the power to address an issue.

The EPA has only the power Congress has given it. Repeatedly, Obama tried to get Congress to pass climate legislation. Repeatedly, he failed. This should have been taken as a sign that there is no democratic will for it. But Obama took these failures exactly the wrong way, deciding that if Congress won't act, he would act on his own.

This is like a soldier deciding that if his officers won't give him permission to shoot, he'll just have to give himself the order to fire.

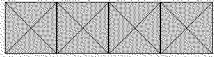
On climate, Pruitt says the relevant question is "what tools are in the toolbox of this agency to deal with CO2?" Neither Pruitt nor Trump are allowed to put tools in there. Only Congress can. "We're not going to simply just make up our authority," Pruitt said.

Doing exactly what you are called to do by the proper authorities is not a very exciting mission. But such is the lot of conservatism. Executive agencies are role-players, and even the president doesn't get to determine their role. The Constitution is very clear that Congress alone has that power.

We applaud Pruitt's mission of restoring the EPA to its proper shape and size. And we hope he has the humility, the diligence, and the skill to pull it off, for the sake of the Constitution, the economy, and the environment.

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From: EPA Press Office
Sent: Thur 11/30/2017 3:00:14 PM
Subject: EPA Finalizes RFS Volumes for 2018 and Biomass Based Diesel Volumes for 2019

EPA Finalizes RFS Volumes for 2018 and Biomass-Based Diesel Volumes for 2019

WASHINGTON – (November 30, 2017) Today, the U.S. Environmental Protection Agency (EPA) finalized a rule that establishes the required renewable fuel volumes under the Renewable Fuels Standard (RFS) program for 2018, and biomass-based diesel for 2019.

"Maintaining the renewable fuel standard at current levels ensures stability in the marketplace and follows through with my commitment to meet the statutory deadlines and lead the Agency by upholding the rule of law," said EPA Administrator Scott Pruitt.

The Clean Air Act requires EPA to set the RFS volume requirements annually and to finalize the standards by November 30th for the following year.

The final standards for 2018, and for biomass-based diesel for 2019, are only slightly changed from the proposed standards that EPA issued earlier this year.

Final Volume Requirements

| | | 2018 | 2019 |
|---|-------|-------------|-------------|
| Cellulosic biofuel (million gallons) | 288 | n/a | |
| Biomass-based diesel (billion gallons) | 2.1 | 2.1 | |
| Advanced biofuel (billion gallons) | 4.29 | n/a | |
| Renewable fuel (billion gallons) | 19.29 | n/a | |

The RFS program was created under the Energy Policy Act of 2005 and expanded by the Energy Independence and Security Act of 2007. EPA implements the program in consultation with U.S. Department of Agriculture and the Department of Energy. The RFS program is a national policy that requires a certain volume of renewable fuel to replace or reduce the quantity of petroleum-based transportation fuel, heating oil or jet fuel.

For more information on today's announcement, go to:

<https://www.epa.gov/renewable-fuel-standard-program/2017-announcements-renewable-fuel-standard>

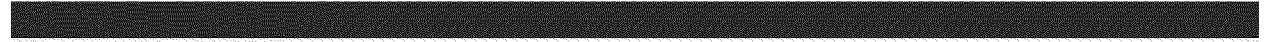
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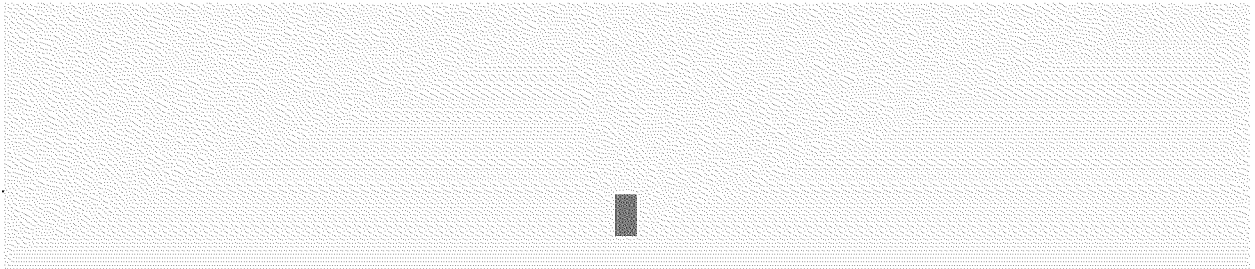
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Subject: Morning Consult Washington: Week in Review & What's Ahead



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From: EPA Press Office
Sent: Thur 10/12/2017 6:21:50 PM
Subject: PHOTOS: Administrator Pruitt Visits Mississippi

CONTACT: press@epa.gov

PHOTOS: Administrator Pruitt Visits Mississippi

Announces Regulatory Action on Pesticide Dicamba

Jackson, Miss. (October 12, 2017) – Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt met with Governor Phil Bryant, farmers and other state leaders to discuss ways to strengthen partnerships with EPA. During the visit, Administrator Pruitt announced that EPA is working on an agreement with the manufacturers of the pesticide dicamba to minimize the potential for drift to damage neighboring crops from the use of the pesticide – an agreement that will allow cotton and soybean farmers to make informed choices for seed purchases for the 2018 growing season.

“Our job at EPA is not to look at folks in Mississippi as adversaries, but as partners,” **said Administrator Pruitt.** “It is of the utmost importance to continue to collaborate with state and local leaders to provide American farmers and ranchers the regulatory certainty they deserve.”

“Mississippi farmers are the original conservationists,” **said Mississippi Governor Phil Bryant.** “I am grateful for Administrator Pruitt’s commitment to working with us to develop strategies that will strengthen agriculture in Mississippi while protecting our environment.”

Administrator Pruitt began his trip with a stop at the State Capitol where he met with Governor Bryant and other state leaders. Following their meeting, Administrator Pruitt and Governor Bryant hosted a roundtable along with Mississippi Commissioner of Agriculture and Commerce Cindy Hyde-Smith, Mississippi Farm Bureau Federation President Mike McCormick, and other stakeholders to discuss EPA’s recent proposal to rescind the 2015 “Waters of the United States” (WOTUS) rule to help ensure regulatory certainty and prioritize keeping America’s water clean.

After the roundtable, Administrator Pruitt and Governor Bryant departed for Gaddis Farms in Bolton where the Administrator announced EPA’s regulatory action on dicamba and took questions from farmers.

EPA Administrator Scott Pruitt with Mississippi Governor Phil Bryant.

EPA Administrator Scott Pruitt (second from right) and Mississippi Governor Phil Bryant (right) greet stakeholders at Gaddis Farms in Bolton, Miss.

EPA Administrator Scott Pruitt greets Ted Kendall, owner of Gaddis Farms.

Mississippi Governor Phil Bryant and EPA Administrator Scott Pruitt speak with Ted Kendall.

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Subject: South Carolina utilities spike Summer nuclear project

By Darius Dixon

07/31/2017 02:04 PM EDT

Construction on the V.C. Summer nuclear project in South Carolina will come to an end, according to the lead utilities involved in building the two reactors.

SCANA, the majority owner of the unfinished reactors through its South Carolina Electric & Gas Co. unit, announced today that it ceased construction on the effort and plans to "promptly" file petition with state regulators to abandon the project.

The company cited a long list of reasons for not finishing the two Westinghouse-designed AP1000 reactors: cost concerns about the already over-budget project, "uncertainty" about a congressional extension of nuclear production tax credits and the decision by co-owner Santee Cooper, a state-owned electric utility, to walk away from the project today.

"Based on these factors, SCE&G concluded that it would not be in the best interest of its customers and other stakeholders to continue construction of the project," SCANA said in a [statement](#) today.

The project's primary contractor, Westinghouse, filed for bankruptcy protection earlier this year.

Santee Cooper's board of directors today [decided to suspend](#) construction on the new reactors, arguing that the decision would save its customers \$7 billion in additional costs and that a new analysis found they wouldn't be finished until 2024.

"Generation diversity remains an important strategy for Santee Cooper, but the costs of these units are simply too much for our customers to bear," said Leighton Lord, chairman of the Santee Cooper board of directors, in a statement.

WHAT'S NEXT: SCANA has scheduled a 4 p.m. call for analysts to discuss the impact of suspending its work on Summer.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/07/south-carolina-utilities-spike-summer-nuclear-project-091299>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: InsideEPA.com
Sent: Thur 7/20/2017 4:33:15 PM
Subject: Analysis: EPA Faces Uncertain Prospects In Any Appeal Of Methane NSPS Ruling

July 20, 2017

News Analysis

EPA Faces Uncertain Prospects In Any Appeal Of Methane NSPS Stay Ruling

A potential EPA appeal of the ruling striking down its 90-day stay of Obama-era methane standards for new oil and gas operations could focus on a novel argument supported by a dissenting judge that courts lack authority to review such stays, but observers say that even if courts back that claim it might not impact related suits over other paused rules.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 10/17/2017 2:44:24 PM
Subject: States, greens ask court to issue Clean Power Plan ruling

By Alex Guillén

10/17/2017 10:42 AM EDT

A coalition of states that support the Clean Power Plan and several environmental and public health groups today called on the D.C. Circuit Court of Appeals to issue its opinion on the Obama administration regulation, despite the Trump EPA's ongoing efforts to repeal it.

EPA previously said it was considering revising the rule, but its proposed repeal means that EPA would be "in violation of its statutory duty to regulate carbon dioxide from existing power plants under the Clean Air Act, a duty the agency is not contesting it must fulfill," the states said in a court filing.

"The Court is not required to — and should not — sign off on a further abeyance with the knowledge that the agency's proposed path would end in a statutory violation," the states added.

EPA last week asked for an indefinite hold on the case.

Environmental groups noted that Pruitt had justified the repeal by arguing EPA had gone beyond its statutory authority, an issue that had been argued before the D.C. Circuit and could be resolved with a ruling.

The states and groups urged the court to issue a ruling now, or otherwise to keep the case on hold for only 120 days.

This is not the first time the carbon rule's supporters have coaxed the court to issue its ruling. Environmentalists over the summer made the same request, prompting two of the judges to warn EPA that their patience was running thin.

WHAT'S NEXT: The 60-day stay issued by the court in August has expired. It is unclear when or how the court will act next.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/10/states-greens-ask-court-to-issue-clean-power-plan-ruling-094363>

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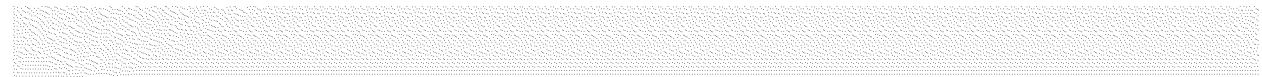
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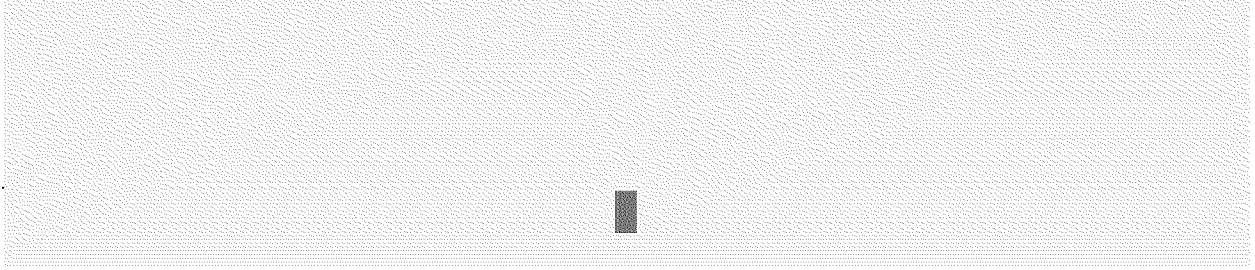
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From: Morning Consult
Sent: Wed 8/16/2017 12:09:17 PM
Subject: Morning Consult Washington: Republican Voters Largely Back Trump for Knocking McConnell



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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 8/3/2017 6:51:50 PM
Subject: Green groups ask court to issue Clean Power Plan ruling

By Alex Guillén

08/03/2017 02:49 PM EDT

Environmental groups today asked the D.C. Circuit Court of Appeals to issue its ruling on the Obama administration's Clean Power Plan because it remains unclear when the Trump administration will propose its repeal of that rule.

The groups cite the White House's Unified Agenda, which was released last month. The document provided no deadline for proposing or finalizing the CPP repeal, which it classified as a "long-term action," those for which the agency does not expect to act for at least 12 months.

That classification "demonstrates that even the preliminary step of a *proposed* rule may be delayed for at least another year," the green groups wrote.

"These facts further underscore that this Court should not continue to postpone a decision in this fully briefed case, which was argued en banc on September 27, 2016, for a period far longer than the Supreme Court presumed when it issued its stay pending this Court's disposition of the merits," the groups wrote. "The Court should decide the case on the merits, or terminate it by remanding the case to EPA."

WHAT'S NEXT: If the court decides to consider the request, it likely will ask EPA and the CPP's challengers to weigh in first.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/08/green-groups-ask-court-to-issue-clean-power-plan-ruling-091493>

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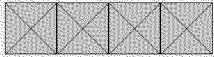
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From: EPA Press Office
Sent: Sat 10/21/2017 1:33:15 PM
Subject: Governor Ricketts and EPA Administrator Pruitt Discuss WOTUS

KOLN-TV - LINCOLN

Nebraska Governor Pete Ricketts and EPA Administrator Scott Pruitt Discuss WOTUS

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From: InsideEPA.com
Sent: Fri 6/23/2017 11:11:36 AM
Subject: The Morning Headlines from InsideEPA.com -- June 23, 2017

The critical environmental policy-making news you need as you begin your day

June 23, 2017

Latest News

EPA Scales Back TSCA 'Framework' Rules, Drawing Threat Of Lawsuit

EPA has released the three “framework” rules to implement statutory changes to address “existing” chemicals under the revised Toxic Substances Control Act (TSCA), though the agency scaled back the final versions of the rules, underscoring industry's influence while drawing sharp criticisms from environmentalists, who suggested they will sue.

Environmentalists, Unions Ask Court To Stay EPA's Delay Of RMP Rule

Environmental and labor groups are asking a federal court to stay EPA's nearly two-year delay of an Obama-era rule strengthening the agency's facility accident prevention program, charging the delay is “plainly illegal” under the Clean Air Act and would irreparably harm their interests given past agency findings that chemical accidents continue to occur.

Utilities, Environmentalists At Odds Over Novel Joint NOx-SOx-PM NAAQS

Electric utilities and environmentalists are at odds over whether EPA should pursue novel combined national ambient air quality standards (NAAQS) from nitrogen oxides (NOx), sulfur oxides (SOx) and particulate matter (PM) instead of the existing separate standards for each, posing a test for the Trump EPA's NAAQS policy.

New Calls For NSR 'Reform' Draw Some Early Skepticism, Revive Old Fights

As the Trump administration prepares to release a report expected to endorse industry calls to overhaul EPA's new source review (NSR) program, veterans of earlier fights over the program question whether the Trump administration will have enough administrative bandwidth to tackle the issue given other priorities.

GOP States Urge EPA To Apply Scalia's Narrow Standard In New CWA Rule

A group of GOP-led states is urging EPA to apply the late Justice Antonin Scalia's narrow test for defining Clean Water Act (CWA) jurisdiction in its pending rule to replace an Obama-era jurisdiction policy that used Justice Anthony Kennedy's

broader test, even though appellate courts have said that Scalia's test is not considered binding.

State Officials Avoid Suggesting Preferred Test For CWA Jurisdiction Rule

Groups representing state officials and environmental regulators are avoiding suggesting which of two competing Supreme Court tests EPA should use as the basis for its upcoming Clean Water Act (CWA) jurisdiction rule, instead largely praising the Trump administration for involving them heavily in development of the regulation.

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Daily Feed

Court denies rehearing on Puerto Rico cities' coal ash bans

The 1st Circuit let stand a decision that blocked local governments' ability to ban coal ash disposal after state regulators issue rules allowing the practice.

D.C. Circuit sets argument in Trump '2-1' order lawsuit

Judge Randolph Moss schedules Aug. 10 arguments in litigation over President Trump's order that requires EPA to repeal two rules for every new measure issued.

EPA unveils highly anticipated TSCA framework rules

EPA releases its TSCA framework rules for “existing” chemicals.

Judge signals looming decision on CWA coal ash appeal timing

A federal district court judge could soon decide whether a fight over Clean Water Act restrictions on coal ash disposal will move quickly to appellate court.

Excess nutrient levels seen nationwide

In today's Ewire: From the Gulf of Mexico, to the Chesapeake Bay and beyond, concerns are growing nationwide about excess nutrient levels -- though the issue appears to be on EPA's backburner.

D.C. Circuit sets argument in ozone implementation rule suit

The U.S. Court of Appeals for the District of Columbia Circuit will hear argument Sept. 14 in litigation over the Obama EPA's rule for implementing the 2008 ozone air standard.

Read all the latest EPA news, analysis and documents →

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From: POLITICO Pro
Sent: Mon 7/31/2017 5:05:41 PM
Subject: U.S. firm reaches agreement to export coal to Ukraine

By Darius Dixon

07/31/2017 01:01 PM EDT

Trump administration officials today cheered the announcement that a Pennsylvania-based mining company is expected to begin exporting U.S. coal to a Ukrainian electric utility this year.

Xcoal Energy and Resources agreed to sell Ukraine's Centrenergo PJSC roughly 700,000 tons of coal by the end of 2017, according to the U.S. Energy Department.

Energy Secretary Rick Perry and Commerce Secretary Wilbur Ross lauded the deal, which their agencies helped negotiate, according to an administration fact sheet.

"Today's announcement will allow Ukraine to diversify its energy sources ahead of the coming winter, helping bolster a key strategic partner against regional pressures that seek to undermine U.S. interests," Ross said in a statement.

Perry added: "This announcement will also boost our own economy by supporting jobs in the coal and transportation industries. This Administration looks forward to making available even more of our abundant natural resources to allies and partners like Ukraine in the future to promote their own energy security through diversity of supply and source."

Xcoal CEO Ernie Thrasher's statement announcing the deal praised "President Trump's efforts to create a regulatory and business environment that allows the U.S coal industry to freely, and fairly, compete in a global market."

The move would significantly increase the amount of coal being shipped from the U.S. to Ukraine for power generation, compared to 32,211 short tons of thermal coal last year, according to the Energy Information Administration. About 2 million short tons of metallurgical coal, used in industries like steelmaking, was exported from the U.S. to Ukraine in 2016, according to EIA.

WHAT'S NEXT: Xcoal's first shipment is expected to arrive in Ukraine in late August, according to DOE.

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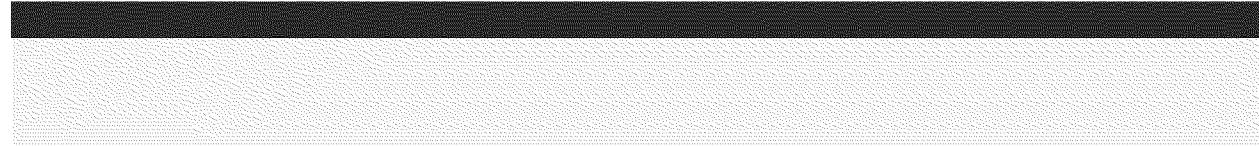
<https://www.politicopro.com/trade/whiteboard/2017/07/us-firm-reaches-agreement-to-export-coal-to-ukraine-091294>

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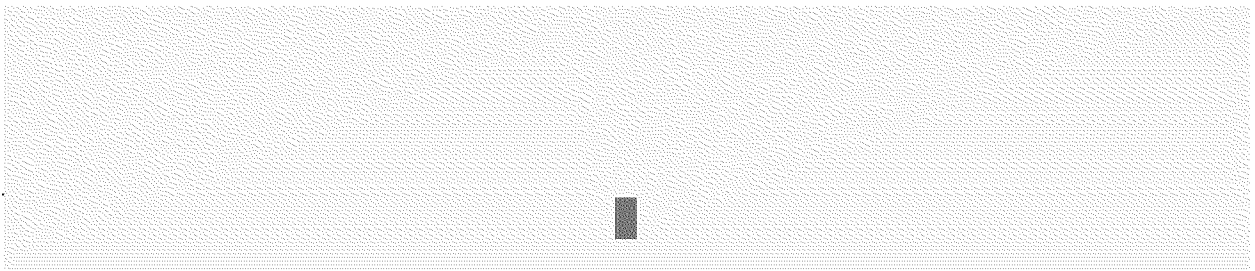
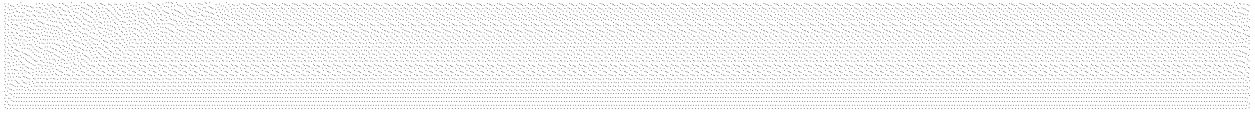
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Sent: Thur 7/20/2017 11:55:38 AM
Subject: Inside EPA - Latest Issue Now Available

July 20, 2017

Now available: The latest issue of Inside EPA.

Top Stories

In High Court Preview, DOJ Seeks Broad Appellate Review Of CWA Rules

EPA and the Department of Justice (DOJ) are using a district court suit over Clean Water Act (CWA) stormwater permit mandates to seek a broad standard on which CWA suits should be filed in appellate court -- a potential preview of how they will approach the pending Supreme Court case testing where the Obama-era CWA jurisdiction rule should be challenged.

Pruitt Sets Longer-Term Plans To Remake EPA, Secure Deregulatory Agenda

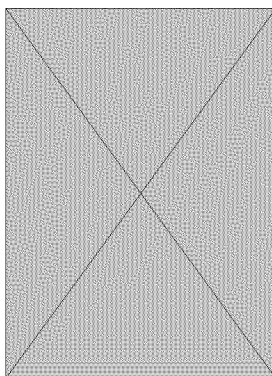
Even as EPA Administrator Scott Pruitt works to roll back a host of Obama-era rules as a relatively short-term priority, he is preparing a set of medium-term plans for the agency's budget and policy agenda that would remake the agency and institutionalize the Trump administration's deregulatory agenda.

EPA's Early TSCA Rules Ripe For Suits From Environmentalists, Industries

EPA's suite of early rules and guidance under the revised Toxic Substances Control Act (TSCA) appear ripe for a number of legal challenges from environmentalists, the chemical industry and other sectors, sources say, due to initial divided reaction to the rules and the massive scope of regulatory provisions in the complex policies.

Bodine Backs Centralized OECA, Squelching Talk Of New Program Function

EPA enforcement chief nominee Susan Bodine is dismissing earlier discussion that the Trump administration is planning to close down the agency's Office of Enforcement and Compliance Assurance (OECA) and disperse its functions to program offices, embracing its mission as a centralized entity in EPA headquarters, according to her written response to senators' questions.



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Sent: Wed 10/25/2017 7:03:17 PM
Subject: CNAS Press Release: Frederick O. Terrell, Vice Chairman of Investment Banking and Capital Markets at Credit Suisse, Elected to CNAS Board of Directors

Frederick O. Terrell has been elected to the CNAS Board of Directors.

Contact:
Neal Urwitz
nurwitz@cnas.org
(202) 457-9409

CNAS PRESS RELEASE

Frederick O. Terrell, Vice Chairman of Investment Banking and Capital Markets at Credit Suisse, Elected to CNAS Board of Directors

Washington, October 25 – The Center for a New American Security (CNAS) today announced that Frederick O. Terrell, Vice Chairman of Investment Banking and Capital Markets at Credit Suisse, has been elected to the CNAS Board of Directors. Along with his fellow Board members, Mr. Terrell will help provide oversight and set CNAS' strategic direction.

"We are thrilled to have Fred join our Board," said CNAS President Richard Fontaine. "Having spent decades in the financial sector, he has firsthand experience of the relationship between national security and economics. We look forward to calling on Fred's deep expertise and insights."

Mr. Terrell is Vice Chairman of Investment Banking and Capital Markets at Credit Suisse, where he is responsible for the Bank's global banking relationship with some of its largest and most admired clients. He is a member of the Investment Banking Committee, Managing Director of the Promotion Committee and a member of the Board of Trustees of the Credit Suisse Americas Foundation. Mr. Terrell is a former member of the Board of Directors for the New York Life Insurance Company, Wellchoice, Inc. and Carver Bancorp, Inc., where he served as Chairman of the Board. He is a former member of the University Council of Yale University and past Chairman of the Board of the Coro Foundation, New York City. He is currently a member of the Board of Advisors of the Yale School of Management, the Board of Directors of the Partnership for New York City, the Partnership Fund for New York City and Big Brothers Big Sisters of New York City. He is a member of The Economic Club of New York City and the Council on Foreign Relations. He earned his B.A. degree from La Verne College, an M.A. degree from Occidental College and his M.B.A. from the Yale School of Management and was a Coro Foundation Fellow in Public Affairs.

###

For more information, please contact Neal Urwitz at nurwitz@cnas.org.

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From: POLITICO Pro Energy Whiteboard
Sent: Thur 8/3/2017 4:53:57 PM
Subject: Committee advances Interior, DOE nominees

By Esther Whieldon

08/03/2017 12:50 PM EDT

The Senate Energy and Natural Resources Committee today advanced five nominations for senior positions at the Interior and Energy departments.

Members of the committee gathered off the Senate floor to vote on the nominations. They approved Douglas Domenech, to be assistant secretary of insular affairs at Interior on a 13-8 vote.

Four other nominees were confirmed on voice votes: Mark Wesley Menezes, to be undersecretary of DOE; Paul Dabbar, to be DOE undersecretary for science; Brenda Burman, to lead Interior's Bureau of Reclamation; and Susan Combs, to be Interior's assistant secretary of policy management and budget. Sen. Bernie Sanders asked to be recorded as a no vote on all of the nominations.

The committee did not vote on David Jonas, for DOE's general counsel. Jonas was initially on the agenda for the markup, which had been rescheduled from last week.

Energy Chairman Lisa Murkowski said the vote on Jonas was postponed because of concerns from committee Democrats but she expects to take him up when they return.

WHAT'S NEXT: The Senate is expected to leave for its August recess as soon as today.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/08/committee-advances-interior-doe-nominees-091476>

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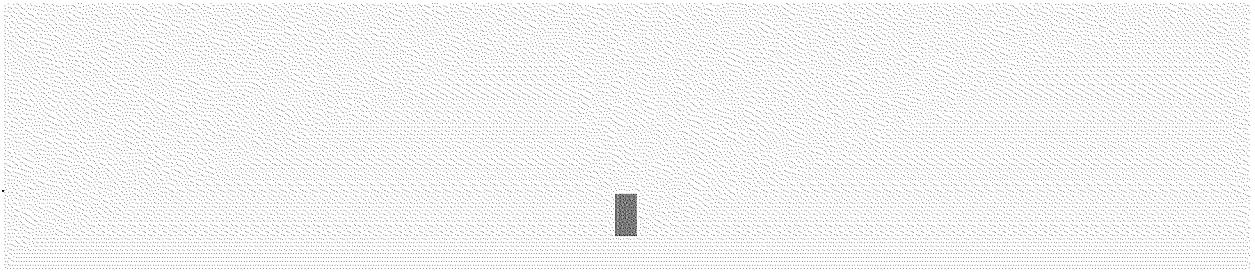
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Sent: Thur 8/10/2017 12:37:18 PM
Subject: Morning Consult Washington: China Urges US to Talk to North Korea

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Wed 10/25/2017 7:02:33 PM
Subject: EPA Releases Energy Independence Report

EPA Releases Energy Independence Report

"We can be both pro-jobs and pro-environment," – EPA Administrator Scott Pruitt

WASHINGTON (October 25, 2017) - Today, the U.S. Environmental Protection Agency (EPA) released its final report on how EPA, under Administrator Scott Pruitt's leadership, is implementing President Trump's Executive Order 13783 to curb regulatory burdens in order to promote energy production and economic growth – while protecting human health and the environment.

"EPA is committed to President Trump's agenda," said EPA Administrator Scott Pruitt. "We can be both pro-jobs and pro-environment. At EPA, that means we are working to curb unnecessary and duplicative regulatory burdens that do not serve the American people – while continuing to partner with states, tribes and stakeholders to protect our air, land, and water."

EPA released its final report in accordance with President Donald Trump's Executive Order (EO) 13783. Notably, the report provides a look at how EPA is working to curb regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation while protecting human health and the environment. The report can be found online [here](#).

The report discusses nine EPA actions on energy-related regulations covered by EO 13783. It further includes the following four initiatives EPA plans in undertaking to implement this order:

1. **New Source Review reform (NSR)** – EPA is establishing an NSR Reform Task Force to review and simplify the NSR application and permit process.
2. **National Ambient Air Quality Standards (NAAQS) reform** – EPA plans to use the newly formed Ozone Cooperative Compliance Task Force to review administrative options to meaningfully improve air quality as it relates to ozone. EPA will also work to streamline the approval of state air pollution plans, and eliminate EPA's backlog of state pollution plans.
3. **Robust Evaluations of the Employment Effects of EPA regulations** – Regulations impose high costs on American workers, particularly in the energy sector. Five environmental statutes state that EPA conduct continuing evaluations of potential shifts in employment that may result from implementation of these statutes. The Agency historically has not conducted these assessments. EPA intends to conduct these evaluations consistent with the statutes.
4. **Reestablishing the Smart Sectors Program** – EPA recently relaunched the Smart Sectors program to re-examine how it engages with American businesses to reduce unnecessary regulatory burdens, while protecting human health and the environment. (www.epa.gov/smartsectors).

Background

On March 28, 2017, President Trump signed Executive Order (EO) 13783 promoting clean and safe development of the United States' vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation.

To that end, Section 2 of EO 13783 required an immediate review of all agency actions that potentially burden the safe, efficient development of domestic energy resources. Section 2 required the heads of agencies to review all existing regulations, orders, guidance documents, policies, and any other similar agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources.

Section 2 also required agencies to submit a plan on how the agency will carry out the review. For those agencies that submitted a plan, the agency was required to submit a draft final report to OMB and EOP offices within 120 days (by July 26, 2017). The EOP offices provided recommendations to the agencies to ensure the final reports that reflect the policies laid out in EO 13783.

Final reports were to be finalized within 180 days (by September 24, 2017) unless the OMB Director, in consultation with the other EOP officials, extend the deadline.

To assist agencies in the development of the EO 13783 reports, OMB developed guidance on May 8, 2017 providing additional direction to agencies. OMB directed Agencies to provide a number of pieces of information in the agency final reports and to publish the final report on the agency website and in the Federal Register.



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From: EPA Press Office
Sent: Thur 8/10/2017 11:26:51 AM
Subject: Coverage From Pruitt's Visit To Iowa And North Dakota

Coverage From EPA Administrator Scott Pruitt's Visit To Iowa And North Dakota

[Watch Administrator Pruitt's Interview On Fargo's WDAY-TV](#)

[Watch Pruitt Talk About Cleaning Up Superfund Sites On Des Moines' WHO-TV](#)

The [Des Moines Register](#) reports that EPA Administrator Scott Pruitt said the Obama administration created uncertainty for farmers and ranchers. "Pruitt told The Des Moines Register in an interview Tuesday that the EPA's goal in revising the regulation is to provide an objective definition for every property owner in the country. The Obama administration created uncertainty, he added, raising the question, for example, whether a puddle or a dry creek bed could be declared a water of the United States. The EPA chief also said he sees activity throughout the country to address nutrient reduction to improve water quality. 'I sense a tremendous amount of ownership, commitment and desire to address these matters; industries and state regulators are working together; EPA should facilitate that, EPA should be a part of that,' Pruitt said."

The [Sioux City Journal](#) reports that Pruitt held a roundtable with Governor Reynolds, Senator Grassley and Senator Ernst about WOTUS. "Pruitt was in Des Moines on Tuesday as part of a 25-state tour. During his Iowa stop, he appeared at a roundtable discussion with Gov. Kim Reynolds, Iowa agriculture secretary Bill Northey, U.S. Sens. Chuck Grassley and Joni Ernst, and leaders with the Iowa Farm Bureau. During an interview Tuesday morning before the event, Pruitt talked about the EPA's effort under Republican President Donald Trump to rewrite a water regulation rule created in 2015 under Democratic President Barack Obama."

In an interview with [Radio Iowa](#), Pruitt says it's his goal to provide "regulatory clarity." "The Environmental Protection Agency's administrator is in Iowa today for meetings with farmers and state officials. Iowa is the 18th state Scott Pruitt has visited as his agency considers a new 'Waters of the U.S.' rule to replace regulations drafted by the Obama Administration, but put on hold by the courts. 'When the EPA defines a 'Waters of the United States' as being a puddle, a dry creek bed and an ephemeral drainage ditch, then clearly they were misplaced,' Pruitt said this morning, 'and they have not provided great certainty to landowners.'"

Governor Kim Reynolds said that Pruitt promised to partner, not dictate to farmers. As [Radio Iowa](#) reports: "The governor said Pruitt indicated the new regulations would define what areas are not under federal jurisdiction. A court suspended the "Waters of the U.S." rules written by the Obama Administration before they took effect, but Reynolds said farmers delayed conservation measures and other land improvements because of the uncertainty about what might come next. 'Dramatically had an impact on our ability to move forward with conservation practices for not only water quality,

for soil health,' she said during a news conference."

Additionally, Senator Grassley and Senator Ernst hope the federal government will work with state and local leaders on rewriting this rule. As [KMA 960-AM reports](#): "Senator Grassley says the current WOTUS rule doesn't take family farms into consideration. 'What I get from this meeting we had today is the (family farmer) is a core principle of this administration through President Trump,' Grassley said, 'and being delivered through the outstanding work of the administrator of the EPA, Pruitt.' Meanwhile, Senator Ernst hopes the federal government will work with state and local leaders on the rewriting process."

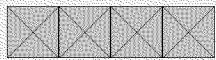
The [Waterloo Courier](#) reports that Pruitt praised our farmers and ranchers for being conservationists and environmentalists. "Pruitt said farmers and other landowners have a natural incentive to maintain healthy water and environment. 'People presume that by withdrawing the old rule and providing a substitute definition that there's going to be a dearth of regulation or a dearth of oversight with respect to water quality,' Pruitt said. 'One of the things that we've got to keep in mind is that farmers and ranchers, as an example, are our first conservationists and environmentalists. The greatest asset they have is the land.'"

[Click Here To Listen To Scott Pruitt's Interview With Governor Doug Burgum And Scott Hennen On Fargo's 1100 AM The Flag](#)

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Wed 11/15/2017 8:15:05 PM
Subject: Durbin lifts some Interior holds after Zinke meeting

By Anthony Adragna

11/15/2017 03:13 PM EDT

Senate Minority Whip Dick Durbin told reporters today he's lifting holds on two Interior nominees after a meeting Tuesday in which Secretary Ryan Zinke walked five senators through his decisions on national monument designations.

"He went through his reasoning on each one of them," Durbin (D-Ill.) said. "I thought it was terrible reasoning on Bears Ears." He didn't offer further details.

Also attending the meeting with Zinke were Democratic Sens. Catherine Cortez Masto of Nevada, Martin Heinrich of New Mexico, Jeff Merkley of Oregon and Tom Udall of New Mexico, according to Durbin.

A spokesman clarified Durbin lifted his hold on Joseph Balash's nomination to be assistant secretary for land and minerals management and would also lift his hold this afternoon on Brenda Burman to lead Interior's Bureau of Reclamation.

Durbin and Zinke got into a war of letters last week over holds on two additional nominees besides Balash and Burman: Ryan Nelson to be agency solicitor and Susan Combs to be Interior's assistant secretary for policy, management and budget.

WHAT'S NEXT: Lifting the holds could clear the way for fast floor consideration of Balash and Burman.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/11/durbin-lifts-some-interior-holds-after-zinke-meeting-095740>

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From: EPA Press Office
Sent: Sun 7/30/2017 1:16:27 PM
Subject: Tulsa World: Heaven forfend! Scott Pruitt is going home on weekends!

The Tulsa World

Heaven Forfend! Scott Pruitt Is Going Home On Weekends!

NOTE 1: The Washington press corps and the environmental lobby might prefer that the EPA boss be held captive on the East Coast and that he hear nothing but the opinions of “green” lobbyists, but the people out in fly-over country like it when we’re being heard, too.

NOTE 2: It’s apparent to us, and we suspect to Pruitt, that environmental extremists are determined to find anything they can use against him, including this not-so-damning evidence that he hasn’t abandoned his family

Editorial

July 30, 2017

http://www.tulsaworld.com/opinion/editorials/tulsa-world-editorial-heaven-forfend-scott-pruitt-is-going-home/article_d54095df-4a88-5e5f-910b-34fa0944d8d4.html

If we were supposed to be shocked to learn that EPA Administrator Scott Pruitt is going home on weekends, we’re not.

A fishing expedition request for Pruitt’s EPA expense accounts by an environmentalist advocacy group pretty much discovered just that, and that he was spending some public money along the way and met with people that the advocates don’t approve of.

The New York Times first reported the results of a Freedom of Information request for Pruitt’s expense accounts filed by the Environmental Integrity Project, which has a history of blocking development and encouraging regulation. The findings: Pruitt returned to his Tulsa home at least 10 times in his first three months in office, costing taxpayers more than \$15,000.

During his trips home, Pruitt made some stops, including an informational meeting at the Brainerd Chemical Company in Tulsa and a speech to the Heritage Foundation in Colorado.

As outrages go, it’s not worth much.

The Washington press corps and the environmental lobby might prefer that the EPA boss be held captive on the East Coast and that he hear nothing but the opinions of “green” lobbyists, but the people out in fly-over country like it when we’re being heard, too.

We prefer it when the people at the top of the nation’s bureaucratic pyramid get out of the Beltway once in a while to talk to ordinary Americans. If Pruitt is coming home to see his friends, family, neighbors and some of the people he regulates, then good for him. That sounds like the acts of a balanced man who wants to know the thinking of the public, not just the pro-regulation lobbyists.

It's apparent to us, and we suspect to Pruitt, that environmental extremists are determined to find anything they can use against him, including this not-so-damning evidence that he hasn't abandoned his family.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: CEO Report
Sent: Mon 10/2/2017 11:03:16 AM
Subject: CEO Report: The tax reform overdrive edition

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10/02/2017 07:01 AM EDT

By SARA SMITH (ssmith@politico.com)

Welcome to the October edition of the CEO Report, POLITICO Pro's high-level outlook on the policy issues driving the month ... and beyond.

TAX

Now we're talking: Tax reform efforts are expected to go into overdrive this month now that Republican leaders have released a "unified framework" on tax cuts and other changes, reports Pro Tax's Toby Eckert. There are still a lot of blanks to fill in — notably, how to fund those tax cuts. That will be one of the toughest questions to answer, and it will launch a lobbying frenzy as various businesses and interest groups try to make sure they're not on the losing end as tax writers start removing tax breaks and other niche provisions from the tax code.

The first order of business, though, will be passing a budget that will carry the "reconciliation" instructions Republicans plan to use so they can get the tax overhaul through the Senate with a simple majority, rather than 60 votes, thereby dispensing with the need for any Democratic support. The House is expected to vote on its budget Thursday. The Senate Budget Committee is also expected to vote that week on its own fiscal blueprint. The chambers are far apart on their numbers for tax reform. While the Senate budget would allow tax writers to add as much as \$1.5 trillion to the deficit over 10 years, the House wouldn't allow a tax plan to add to the deficit. So the chambers will have to reach an agreement on that.

The White House is sticking to its timeline of getting a tax bill through the House this month. "We would hope to be in the Senate in November," National Economic Council Director Gary Cohn told reporters. "And we would hope to have a bill done by this year."

Still waiting: This is the last full month of IRS Commissioner John Koskinen's hitch at the agency. His term is up Nov. 12, and he's expressed no interest in staying on beyond that. If President Donald Trump were to suggest re-appointing Koskinen, whom he's acquainted with through past business dealings, he'd face a backlash from conservative groups. They've been clamoring for Trump to fire Koskinen for how he handled the

cleanup of a scandal, which predated his appointment by President Barack Obama, over the IRS subjecting right-leaning groups to greater scrutiny when they sought tax-exempt status.

So far, there's no indication of who, if anyone, Trump has in mind for the job, which requires Senate confirmation. It comes at a sensitive time for Trump and other administration officials, who may be facing scrutiny in special counsel Robert Mueller's probe of Russian meddling in the 2016 election. That could involve the IRS if Mueller digs into finances.

It is almost certain that Trump will have to name an acting director for the agency, who wouldn't face vetting by the Senate, since it's hard to see a nominee getting through the confirmation process by Nov. 12. That prompted a coalition of liberal groups in September to call on Senate Finance Chairman [Orrin Hatch](#) and top Democrat [Ron Wyden](#) to "advise the president to retain John Koskinen as acting commissioner while the process of nominating his successor moves forward. Above all else, it is imperative that any acting commissioner be a professional currently working at the IRS and without any indications that he or she is an ally of the president or any key members of the president's team (like Treasury Secretary Mnuchin)."

DATAPOINT

Corporate tax reform plans: In broad strokes, the latest GOP tax framework lays out plans to switch to a territorial corporate tax system, where the government would no longer attempt to tax companies' overseas earnings; reduce the number of individual tax brackets from seven to three; and adjust numerous deductions and credits.

View the full graphic [online](#) and find out more about DataPoint [here](#).

BUDGET & APPROPRIATIONS

Budget sprint begins: The prospect of a government shutdown this month is behind us. So lawmakers enter the new fiscal year with the certainty that federal funds will keep flowing until Dec. 8 under the stopgap spending bill, H.R. 601, Congress [cleared](#) along with hurricane aid last month.

But there's still more disaster aid to come. As of the start of the month, FEMA's disaster fund got a \$6.7 billion infusion from the latest aid bill Congress passed. That money isn't expected to last long, however, as the agency continues to lead recovery from the trio of hurricanes that pummeled parts of the U.S. mainland, as well as the country's

Caribbean territories. Congressional leaders are planning another aid package this month, with growing pressure to specifically earmark funding to help Puerto Rico recover from Hurricane Maria. — *Jennifer Scholtes*

EMPLOYMENT & IMMIGRATION

Deadline for DREAMers: The Trump administration plans to cut off renewals for the Deferred Action for Childhood Arrivals program by Thursday, a deadline likely to spark legal challenges from enrollees and their supporters. But that date may get pushed back.

Last month, Trump announced that by March, he would phase out DACA, an Obama-era program that allows undocumented immigrants brought to the United States as children to apply for work permits. Trump's scuttling of DACA, a 2016 campaign promise, threatens to upend the lives of roughly 690,000 enrollees, known as DREAMers, and Trump, along with lawmakers of both parties, has urged a legislative solution. It isn't clear, though, how hard that March deadline is. "Congress now has 6 months to legalize DACA (something the Obama Administration was unable to do)," Trump tweeted on Sept. 5, the same day he announced the program's termination. "If they can't, I will revisit this issue!"

The more immediate question is whether the Trump administration will stick to the Oct. 5 deadline. The Homeland Security Department set that reapplication deadline for people with permits that expire between Sept. 5 and March 5. The extension would be good for two years. But the Oct. 5 deadline may not give some enrollees enough time to amass \$465 to pay the renewal fee and to complete the paperwork, some immigration advocates say. Presiding over a lawsuit challenging the program's termination, Brooklyn District Court Judge Nicholas Garaufis, a Bill Clinton appointee, labeled the Oct. 5 deadline "arbitrary" and "heartless." The plaintiffs — a DACA enrollee and advocacy group — hadn't filed a motion to block the renewal cutoff, but now they're considering one. Acting DHS Secretary Elaine Duke said during a Sept. 27 Senate committee hearing that the department hadn't gotten any complaints about the Oct. 5 deadline. "We have had no indication from DACA recipients that they are having trouble," she said. — *Ted Hesson*

FINANCIAL SERVICES

Spotlight on scandals: The House and Senate will kick off a series of hearings this month on the massive data breach at Equifax and the growing list of problems at Wells Fargo. Those could set the tone not only for how Washington cracks down on the two companies, but also how Congress proceeds with proposals to ease financial regulations. Wells Fargo CEO Tim Sloan appears before the Senate Banking

Committee on Tuesday, and Equifax's recently retired chief Richard Smith faces the panel the next day. Smith will also testify before the House Energy and Commerce Committee on Tuesday and the House Financial Services Committee on Thursday.

Treasury roadmap: The Treasury Department will reassert itself at the center of the effort to overhaul financial rules this month when it proposes another set of sweeping recommendations — this time on capital markets and asset management. Two more reports are also due from Treasury: one on revisions to so-called orderly liquidation authority, which allows the government to take over and unwind failing financial firms; and another on the process for designating nonbank financial institutions as "systemically important," meaning they'll face stricter oversight. Treasury is not a regulator itself, but it is shepherding the Trump administration's move to undo some of the post-crisis rules set out in the landmark Dodd-Frank Act.

Payday for new rule: The Consumer Financial Protection Bureau is expected to issue long-awaited rules to curb payday and small-dollar lending. The bureau's original proposal generated a record number of public comments. The bureau is risking yet another showdown with congressional Republicans, who may try to overturn the regulation under a 1996 law that gives them a limited window to scrap new rules with a simple majority.

Great unwinding begins: The Federal Reserve this month will start allowing some of its trillions of dollars in asset holdings to mature without being replaced. It's a long-anticipated — and once dreaded — development that markets now seem to be taking in stride, but it could start to nudge up long-term interest rates and let the air out of any current asset bubbles.

Lonely at the Fed: Federal Reserve Vice Chairman Stanley Fischer intends to step down on or around Oct. 13. If Fed nominee Randal Quarles, tapped to lead regulatory policy at the central bank, isn't confirmed before then, the agency will be down to three of seven governors for the first time in its history. Trump has a major opportunity to put his stamp on the central bank, with Chair Janet Yellen's term up in February, but the process of installing new people has been slow.

Alternative credit: The Federal Housing Finance Agency, which regulates Fannie Mae and Freddie Mac, is exploring whether to adopt the use of alternative credit scores as a way to increase homeownership. This month, it's likely to get the ball rolling by requesting formal input from industry and the public.

The FHFA also will release its annual housing report, which updates the performance of the two mortgage giants. — *Mark McQuillan*

TRADE

NAFTA getting 'complicated': It will be another busy month in the trade world as NAFTA renegotiations continue for a fourth round, taking place Oct. 11-15 in Washington, D.C. The round could escalate the talks as the U.S. is expected to introduce a number of controversial proposals on rules of origin and dispute settlement. As Mexican Economy Ildefonso Guajardo told reporters as Round 3 wrapped up in Ottawa, things are going to get "complicated."

Busy time in the District: NAFTA Round 4 will overlap with the annual meetings of the International Monetary Fund and World Bank. Trade and finance officials from around the world will converge on Washington from Oct. 9-15 for those festivities.

Hearing time on 301: The Trump administration's Section 301 investigation, which could lead to major trade action against China, convenes a public hearing on Oct. 10 to examine Beijing's alleged intellectual property violations and practice of forcing U.S. companies to hand over sensitive technology.

Talking, not withdrawing: The United States and South Korea will meet for a second time on Oct. 4 — this time in Washington — to address U.S. complaints that a bilateral trade deal between the two countries has led to "significant trade imbalance." Over the Labor Day holiday, the president threatened to pull out of the agreement altogether. That decision appears to be on hold amid pressure from White House advisers, members of Congress and business and agricultural interests. The geopolitical friction with North Korea also makes the tenor of the talks more important.

How are those trade deals doing? Trump wants to know. Federal agencies face an Oct. 26 deadline to submit reviews as part of an executive order issued in April that directs the government to examine violations and performance of every U.S. trade and investment agreement.

'Mini-ministerial' in Morocco: On the global stage, World Trade Organization Director-General Roberto Azevedo will convene a meeting of ministers in Marrakesh, Morocco, Oct. 9-10. The so-called "mini-ministerial" will be preparation for WTO's big biennial minister-level conference, in Buenos Aires in December.

China, Russia on the hot seat: The U.S. Trade Representative's office will hold a hearing Wednesday on China's compliance with the commitments it made when it joined the WTO. On Oct. 10, it's Russia's turn. — *Adam Beshudi*

TECHNOLOGY

Social media on the Hill: Tech companies find themselves in the crosshairs as congressional investigations into Russian meddling in the 2016 presidential election intensify. Both the House and Senate Intelligence committees are planning hearings with tech executives within the next month, and lawmakers are considering legislation to

extend political advertising labeling requirements to social media ads. After months of shying away from a role they may have played, even unwittingly, in facilitating Russia's influence in the election, tech companies are coming forward with details of how their sites may have been used to sway U.S. voters.

Twitter officials briefed House and Senate investigators last week, sharing details about ads that RT, formerly known as Russia Today, targeted at U.S. voters. Along with Twitter, Facebook and Google are invited to testify at a Nov. 1 Senate Intelligence Committee hearing. The committee's House counterpart says it plans to hold a hearing in October with tech companies but hasn't yet announced a date. Meanwhile, Facebook CEO Mark Zuckerberg last week apologized for the role his social network played in helping disseminate fake news. After the November election, he had dismissed the idea that Facebook may have played any role. — *Angela Greiling Keane*

HEALTH CARE

What's next for Obamacare: Attempts to repeal the 2010 health care law appear to be sidelined for at least a few months while Republican lawmakers pursue a tax overhaul, and a pair of senior senators has resumed worked on a bipartisan deal to stabilize Obamacare's insurance markets. Senate HELP Chairman [Lamar Alexander](#) and ranking member [Patty Murray](#) say they're close to striking a deal that would continue funding a key Obamacare subsidy and allow states more leeway to tweak their health care systems. But it's not yet clear whether Republicans, who've repeatedly failed to agree on a replacement health plan, are ready to abandon their prolonged assault on Obamacare. A stabilization plan would need the support of 60 senators, meaning it would need at least 12 Republican votes to pass. — *Jason Millman*

ENERGY

CLEAN POWER PLAN ON THE BRINK: With a federal court growing impatient, the EPA is expected to move in October to officially repeal the Obama administration's landmark Clean Power Plan, the regulation that would have curbed carbon dioxide emissions from the nation's power plants. But before the agency headed by Scott Pruitt can finalize the repeal, EPA will have to take public comment — and provide a legally defensible response to objections that are certain to pour in from environmentalists. That process will take well into next year, not quite the "boom, gone" that Trump boasted about at an Alabama rally last month.

In the meantime, EPA is also expected to seek public input on a potential replacement rule, since the agency isn't expected to immediately come out with a new, weaker version. Watch for growing tensions between conservative interests that want no regulation and utilities that are seeking a softened version of the CPP that could offer

them some regulatory certainty for the next few years. — *Alex Guillén*

CYBERSECURITY

I spy: The Trump administration is accelerating its lobbying effort to convince lawmakers — and the public — that the country must keep controversial online surveillance tools, out of concern that losing these powers would leave America more exposed to terrorists, spies and criminals. The goal is to obtain a permanent reauthorization — with no alterations — of spying programs authorized under Section 702 of the Foreign Intelligence Surveillance Act, which expire at the end of this year without congressional action. The powerful tools collect foreigners' digital chatter — a vital instrument in the country's war on terror — but also incidentally gather personal data on an unknown number of Americans, concerning many privacy-minded Democrats and libertarian-leaning Republicans.

Capitol Hill is finally getting close to releasing its reauthorization proposals after months of closed-door negotiations. The House Judiciary Committee is preparing to unveil a bipartisan bill that could greatly revise the spying efforts, while a bipartisan group of four senators is working on a bill that would likely include fewer tweaks.

Protecting Election Day: Democrats are upping their campaign to get Republicans to move legislation they believe could help secure the nation's election infrastructure ahead of the 2018 midterms. National security officials are increasingly concerned that, almost a year out from last November, the country has not done nearly enough to harden its systems against an inevitable return of Russia's hackers. At the end of September, House Democrats held the first hearing of an election security task force aimed at producing policy recommendations for Congress. At the gathering, former Homeland Security Department leaders urged lawmakers to set nationwide standards for the digital defenses guarding elections, or at least pass legislation to force the federal government to assess the country's digital defenses ahead of Election Day. Democratic leaders have promised more on this front in the coming weeks.

Still, state officials aren't holding their collective breath. Although many wish Congress would authorize new funds for states to harden their election systems, most don't see Washington moving any time soon, according to a POLITICO survey of all 50 states' top election agencies. Absent such action, states are working within their limited budgets to make the upgrades recommended by tech experts. In Arizona, officials are updating training for election officers to include cybersecurity for the first time. In Nevada, the legislature voted to set up a cyber defense office. And in Virginia, election supervisors directed counties to ditch touchscreen voting machines before a gubernatorial election this November, saying the devices posed unacceptable digital risks.

Report back: October brings two more deadlines from Trump's cybersecurity executive order, signed earlier this year, which launched a sweeping review of the government's

digital protections. One directs the Pentagon to explain how it makes decisions when defending its networks from cyberattacks, and to assess which of its systems are most vulnerable to hackers. The other report requires senior Trump administration officials to evaluate U.S. efforts to stay ahead of other countries in developing offensive and defensive cyber capabilities. — *Cory Bennett*

DEFENSE

Defense policy bill heads to conference: The House and Senate will soon launch a joint conference committee to hammer out the differences between their versions of the National Defense Authorization Act. The Senate passed its version in September; the House approved its annual defense policy bill in July. Key differences include a House provision to create a new Space Corps to oversee national security space operations, competing efforts to overhaul the defense acquisition system and organizational structure, and funding levels for personnel, major programs and weapons systems.

More U.S. troops to Afghanistan: Defense Secretary Jim Mattis, who just visited Afghanistan, is sending an additional 3,000 troops there, raising the total to about 14,000. His order follows Trump's announcement that the U.S. will step up its military campaign in Afghanistan without discussing timelines or specific troop levels.

A second term for the Joint Chiefs chairman: Marine Gen. Joe Dunford cruised through his Senate Armed Services confirmation hearing and has been confirmed by the Senate for a second term as the nation's top military officer. The four-star general was first tapped as chairman by then-President Barack Obama and was renominated for a second term in May by Trump — along with Air Force Gen. Paul Selva as vice chairman, who was confirmed in July.

A batch of civilian nominations is pending in Armed Services, including Mark Esper to be Army secretary, Robert Wilkie to be undersecretary for personnel and readiness and a handful of assistant secretaries for the military services. — *Connor O'Brien*

TRANSPORTATION

FAA scuffle continues: The enactment of a six-month stopgap for FAA programs last month gives lawmakers through the end of March to work out a longer-term bill, and House Transportation Chairman Bill Shuster (R-Pa.) has vowed to continue fighting for his legislation. His controversial bill would remove air traffic control from the auspices of the FAA and house it inside a new nonprofit body. Shuster has said he expects his bill to come to the House floor in early October, but others have said he lacks the votes for it to be scheduled. The Senate will likely use that time to continue haggling over its version of an FAA bill. Though that bill does not contain an air traffic control overhaul, it

does have its own controversy - primarily, a provision that would change training requirements for co-pilots in commercial planes.

Shifting gears: Meanwhile, in the Senate, work has begun in earnest on a bill to create a framework for enabling the testing and deployment of driverless cars. The bill is expected to be marked up in early October, after Commerce Chairman [John Thune](#) and Michigan Democrat [Gary Peters](#) decided not to include trucks in the measure over safety concerns about self-driving big rigs. However, considering that the trucking industry is widely believed to be an early adopter for the technology, expect the issue to crop up again as the bill works its way through the Senate. The House has already passed a driverless car bill. — *Kathryn A. Wolfe*

EDUCATION

States, education and tax reform: Public school advocates are closely watching Hill action on tax reform after a proposal rolled out by Trump and Republican leadership called for eliminating the state and local tax deduction, known as SALT. The tax break allows individuals to deduct from their federally taxable income some or all of what they paid in state and local taxes on real estate, income and personal property. It acts as an incentive for people to pay state and local taxes to help fund public schools, since they know the investment will be offset by a federal tax break. Advocates say public schools across the board stand to lose crucial financial support if the tax break is substantially reduced or eliminated. But it's unclear if there's enough support in Congress to touch it — Republicans in blue states with high incomes and high taxes, like California and New York, are already opposed to the idea.

Budget reconciliation: The House and Senate are working on their budget resolutions, and higher education advocates believe Congress will eye previous GOP and Trump administration proposals on student aid as targets in reconciliation. That could include consolidating income-based repayment programs, eliminating subsidized loans, ending loan forgiveness for public servants, and shifting the mandatory funding component of the Pell grant program to the discretion of annual appropriators.

Watching for higher education bill: House Education and the Workforce Chairwoman [Virginia Foxx](#) is expected to release a rewrite of the Higher Education Act sometime this fall as Congress begins work on reauthorization. Alexander, the Senate HELP chairman, also indicated last week that the law will be tackled "this fall." — *Jane Norman*

EHEALTH

ONC'S week to shine: This week will be dominated by "Health IT Week," a series of

events that provide the health IT world a chance to look under the hood at HHS' Office of the National Coordinator of Health IT, known as ONC. There will be particular interest in parsing a Sept. 21 blogpost from ONC chief Donald Rucker that signaled his agency's intention to at least partially loosen the reins on the certification of electronic health records. Industry officials like the direction ONC is taking; some critics of e-health record safety and usability have doubts. Also up this month, e-health watchers are waiting to see whether the House can pass a companion to the Senate's CHRONIC legislation, which would provide several new options for Medicare coverage of telemedicine —
Arthur Allen

AGRICULTURE

Bring in the cavalry: October could be the month Agriculture Secretary Sonny Perdue finally gets some help running USDA. The Senate Agriculture Committee held a confirmation hearing in late September on the nominations of Stephen Censky for deputy secretary and Ted McKinney for the newly created trade undersecretary — both of whom have solid support. Expect a vote early this month to send their nominations to the floor. The committee also seems poised to move quickly on two more nominations for USDA undersecretary posts: Bill Northey, to lead farm services, and Greg Ibach, to head regulatory and marketing programs. Both were nominated in September and will go in front of the committee for a hearing on Thursday.

The Clovis factor: While those four nominees are expected to face little opposition from the full Senate, the administration's pick of Sam Clovis to be USDA's chief scientist is opposed by key Democrats: Senate Agriculture ranking member [Debbie Stabenow](#) and Senate Minority Leader [Chuck Schumer](#). Clovis, a former Iowa business professor and Trump campaign co-chair, doesn't appear to meet the statutory requirement that the position be filled by someone with a background in natural sciences. Clovis has also been dogged by criticism of inflammatory comments he's made disparaging progressives, women, African Americans and members of the LGBT community. Senate Agriculture continues to vet his nomination.

Tick tock, taskforce: Back in April, [Trump assigned Perdue](#) to lead a government-wide review of regulations and programs affecting rural America to identify those that could be scrapped to promote economic growth. Perdue was given 180 days to report back, creating a deadline of Oct. 21. Perdue hosted at least two Cabinet-level meetings of the taskforce over the summer and a pair of listening sessions with farmers — one in Georgia and one in New Hampshire — but the department has been mum on its progress. The review, which spans 23 departments and offices, is no small task, and was assigned before any agency, USDA included, was fully staffed.

Perdue's first GIPSA test: The Obama administration's controversial interim final rule that lowers the bar for contract poultry growers to sue under Grain Inspection, Packers and Stockyards Administration guidelines is set to go into effect Oct. 19, setting up a

test of how Perdue plans to deal with the measure and a pair of related draft proposals also aimed at protecting growers. The interim final rule's effective date was delayed by the Trump administration first in February and again in April — before Perdue was confirmed — to allow time for review.

The GIPSA rules are a lose-lose situation for Perdue. Scrapping the interim final rule and the two proposals would draw the ire of poultry producers, of whom there are many in Perdue's home state of Georgia and who now have little recourse against unfair treatment from companies they contract with. But implementing the measures would lead to outcry from some Republican lawmakers and meat industry groups who supported his nomination. It is not clear which way Perdue will go. — *Jenny Hopkinson*

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Wed 8/9/2017 8:51:48 PM
Subject: PHOTOS: Administrator Pruitt Takes State Action Tour to North Dakota

Contact Information: press@epa.gov

PHOTOS: Administrator Pruitt Takes State Action Tour to North Dakota

Meets with Bipartisan Delegation of State Leaders

Fargo, N.D. (August, 9, 2018) – U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt continued his state action tour in North Dakota on Wednesday, visiting his ninth state in four weeks.

"As I've traveled state-to-state, farmers and landowners have told me firsthand the harmful impacts the 2015 WOTUS rule would have on American agribusinesses," **said Administrator Pruitt**. "EPA is no longer in the business of advancing unnecessary and burdensome regulations that harm the agriculture industry and do little to help keep water clean."

Administrator Pruitt began his trip with a stop at North Dakota State University in Fargo where he was joined by North Dakota Governor Doug Burgum, U.S. Senator John Hoeven, U.S. Congressman Kevin Cramer, North Dakota Lt. Governor Brent Sanford, North Dakota Attorney General Wayne Stenehjem, a representative from U.S. Senator Heidi Heitkamp's office, and other state officials. Together, they held a roundtable with the North Dakota Farm Bureau, North Dakota's Farmer Union, and other state agribusiness leaders where they discussed EPA's recent decision to begin the process of redefining 'Waters of the United States' (WOTUS) to better provide regulatory certainty for farmers and landowners while also helping empower traditional state governing powers.

"We're very grateful to host Administrator Pruitt in North Dakota and discuss how federal regulations impact energy, agriculture, and natural resources in our state, and to thank him for his efforts to roll back burdensome and overreaching regulations such as the Waters of the U.S.," **said Governor Burgum**. "We share the fundamental goals of protecting the environment, improving public health and bolstering our economy. We appreciate Administrator Pruitt's commitment to empowering states to solve our collective challenges through more innovation instead of more regulation."

"I appreciate Administrator Pruitt coming to North Dakota to hear from our agriculture and energy producers firsthand," **said Senator Hoeven**. "Their input is vital as we continue working to provide regulatory relief and certainty to empower economic growth and job creation, while ensuring good environmental stewardship."

Administrator Pruitt later traveled to Grand Forks, N.D. with Governor Burgum, Senator Hoeven, Congressman Cramer, Lt. Governor Sanford, and other state officials where they toured the University of North Dakota's Energy and Environmental Center that is working to implement solutions for the world's environmental and energy challenges. After the tour, Administrator Pruitt and the bipartisan North Dakota delegation held a roundtable with UND faculty and members of the local energy industry to discuss how EPA is working to advance environmental stewardship and encourage innovation for more efficient sources of energy.

Earlier today, Administrator Pruitt and Governor Burgum joined Scott Hennen on his radio show on AM 1100 The Flag. The interview can be listened to here:

<http://podcast.flagfamily.com/?p=archive&cat=woym>

North Dakota Governor Doug Burgum (left) and EPA Administrator Scott Pruitt (right) talk before joint interview on Flag 1100 AM with Scott Hennen.

North Dakota Governor Doug Burgum (left), EPA Administrator Scott Pruitt (middle), and U.S. Senator John Hoeven hold WOTUS roundtable at North Dakota State University.

North Dakota agribusiness leaders discuss WOTUS at the roundtable.

U.S. Senator John Hoeven, EPA Administrator Scott Pruitt, and North Dakota Governor Doug Burgum tour University of North Dakota's Energy and Environmental Center.

EPA Administrator Scott Pruitt holds roundtable with North Dakota state officials, UND faculty and members of the local energy industry.

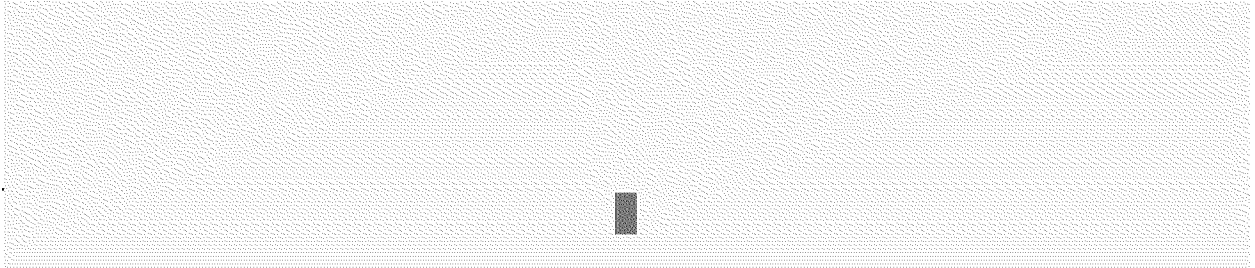
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From: Morning Consult
Sent: Sun 7/30/2017 1:01:16 PM
Subject: Morning Consult Washington: Week in Review & What's Ahead





To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Tue 8/15/2017 8:32:46 PM
Subject: Trump signs infrastructure executive order

By Annie Snider

08/15/2017 04:28 PM EDT

President Donald Trump this afternoon signed an executive order aimed at accelerating the permitting of infrastructure projects, setting a two-year goal for completing the approval process.

"This over-regulated permitting process is a massive, self-inflicted wound on our country. It's disgraceful, denying our people much-needed investments in their community," Trump said at a press conference following a meeting at Trump Tower with his infrastructure advisers.

The text of the order was not immediately available, but Trump said it establishes one lead agency for each major infrastructure project and "holds agencies accountable if they fail to streamline their review process."

He also said it would not undo environmental protections. "If it doesn't meet environmental safeguards, we're not going to approve it. Very simple, we're not going to approve it."

A White House source earlier confirmed that the order eliminates a new flood standard established under the Obama administration requiring federally-funded construction to be built with stronger storms and rising seas in mind. Industry groups have argued the new standard would increase construction costs, but environmentalists and taxpayer advocates say it would save money on disaster recovery. A federal report released last week found sea levels are currently the highest they have been since record keeping began.

Trump signed another executive order in January directing the chairman of the White House Council on Environmental Quality to create expedited procedures and deadlines for environmental reviews and approvals for high-priority infrastructure projects. Earlier this summer he announced a new office within the council aimed at streamlining permitting procedures.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/08/trump-signs-infrastructure-executive-order-091826>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 8/3/2017 4:06:11 PM
Subject: Interior, Energy nominations to get committee vote today

By Eric Wolff

08/03/2017 11:59 AM EDT

The Energy and Natural Resources Committee will hold an impromptu vote in the Capitol today to advance six nominees to serve in the departments of the Interior and Energy to the Senate floor.

The vote will take place in the Capitol, potentially in an effort to move the nominees directly to the floor soon after. The committee will assemble soon after a full floor vote on Energy Department nominee Dan Brouillette.

The committee is expected to advance nominees Mark Wesley Menezes, to be undersecretary of DOE; David Jonas, for DOE's general counsel; Paul Dabbar, to be DOE undersecretary for science; Brenda Burman, who would lead Interior's Bureau of Reclamation; Susan Combs, to be Interior's assistant secretary of policy management and budget; and Douglas Domenech, to be assistant secretary of insular affairs at Interior.

The committee vote had been planned for July 27, but Chairman Lisa Murkowski (R-Alaska) postponed it.

WHAT'S NEXT: The committee will vote early this afternoon in a brief session in the Capitol. Leaders from both parties are continuing to negotiate over what nominees will be confirmed by the full Senate before it adjourns for recess as soon as today.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/08/interior-energy-nominations-to-get-committee-vote-today-091465>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Thur 10/12/2017 4:49:09 PM
Subject: EPA Appoints Jim Gulliford as Region 7 Administrator

CONTACT: press@epa.gov

EPA Appoints Jim Gulliford as Region 7 Administrator

WASHINGTON (October 12, 2017) –Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt announced the appointment of Jim Gulliford of Missouri to become regional administrator for Region 7. Mr. Gulliford will oversee environmental protection efforts in: Iowa, Kansas, Missouri, and Nebraska. He previously held the position of regional administrator for Region 7 from 2001-2006.

Jim Gulliford most recently held the position of executive director of the Soil and Water Conservation Society where he led the organization from 2009-2016. He was responsible for all operation aspects of the non-profit organization that advocated for conservation professionals and for science-based conservation practices, programs, and policy. The organization's mission is to foster the science and art of natural resource conservation on working land – land used to produce food, fiber, and other services that improve the quality of life people experience in rural and urban communities.

Prior to joining Soil and Water Conservation Society, Mr. Gulliford spent nearly a decade at EPA. From 2006-2009, he served as EPA assistant administrator for the Office of Prevention, Pesticides, and Toxic Substances where he was responsible for helping protect public health and the environment from potential risks of pesticides and chemicals. Mr. Gulliford also served as director of the Division of Soil Conservation at the Iowa Department of Agriculture and Land Stewardship for 15 years, where he was responsible for the development and management of soil conservation, water quality, and mine regulation for the state of Iowa.

“Jim Gulliford is unquestionably qualified to lead EPA Region 7,” **said EPA Administration Scott Pruitt.** “Not only has Jim dedicated his entire career to protecting the environment and ensuring healthier outcomes for Americans, but he has already demonstrated to be a competent leader for Region 7 during the Bush Administration.”

His nomination is receiving high accolades from across the region:

Joel Brinkmeyer, CEO, Agribusiness Association of Iowa: “The selection of Jim Gulliford for EPA's Region 7 Administrator is a great choice by this administration in their efforts to accelerate environmental advancement while enhancing production agriculture. Jim will be able to immediately step up to meet the challenges of the office due to his past successful leadership experience in this same position during the Bush Administration, followed by his experience in Washington DC in the office of Pesticides and Toxic Substances at EPA, and as the CEO for the National Soil and Water Conservation Society. Jim has tremendous understanding of how soil and water resources can best benefit production agriculture, and enhance high quality food production without damaging the environment. In fact, Jim understands that with the right tools and resources, positive impacts can be made to the environment as agriculture continues to improve the technology of modern food production systems. Jim's strong network of midwestern leaders and the scientific community, combined with his positive work ethic, will enhance working relationships with persons of diverse interests to the benefit of urban and rural citizens alike.

"I look forward to working with Administrator Gulliford through the Agribusiness Association of Iowa, and our members, to bring positive solutions to environmental and production challenges."

Jim Macy, Director, Nebraska Department of Environmental Quality: "EPA Region 7 will be well served by the appointment of Jim Gulliford. Jim is a strong leader in conservation and will bring a voice of reason and cooperation for Nebraska, Iowa, Kansas, and Missouri. Nebraska DEQ is ready to work with Jim Gulliford to further improve Federal and State relationships in the true spirit of cooperative federalism."

Rex Martin, Chairman of the Board, Soil and Water Conservation Society: "I have been very fortunate to have worked with Jim for many years including his former roles as EPA Region 7 Regional Administrator, U.S. EPA and as the Executive Director at the Soil and Water Conservation Society. Jim has been successful at applying practical environmental practices on the ground based on sound science while allowing local stakeholder's real world input to drive those activities. Jim's strong work ethic, integrity and transparency makes him an excellent choice for this leadership role."

Steve Taylor, President and Executive Director, Missouri Agribusiness Association: "I am extremely pleased that Jim Gulliford is returning as administrator of EPA Region 7. Over the past three decades, I have worked with Jim on a variety of issues and projects involving water quality and agriculture. Over these years, Jim has been a valuable partner and he has understood the need to keep agriculture profitable as we protected the environment. I look forward to once again working with Jim on the environmental issues that face agriculture today."

Dr. Wendy Wintersteen, Dean of the College of Agriculture and Life Sciences at Iowa State University: "Jim Gulliford brings a tremendous portfolio of knowledge, experience and highly competent leadership to the position of EPA Region 7 Administrator. His previous service on behalf of EPA allows him to step in and begin the vital responsibilities of the position immediately. Jim understands the complexity of environmental issues and the importance of collaboration and communication with partners and stakeholders. He leads with science to guide and ground his work, and that is a common foundation we share in how progress is made."

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From: POLITICO Pro Energy Whiteboard
Sent: Fri 7/28/2017 8:11:46 PM
Subject: 9th Circuit takes next step in Trump attempt to shut down climate suit

By Alex Guillén

07/28/2017 04:08 PM EDT

The 9th Circuit Court of Appeals today said the Trump administration's request to stop a trial over the federal government's culpability for climate change "raises issues that warrant an answer."

A three-judge panel, which earlier this week paused the lower court's ongoing trial preparation, said in a two-page order that the group of children and young adults who are suing the federal government in an Oregon federal court have 30 days to reply to the Trump administration's complaint.

Federal lawyers in June argued that the trial was a "clearly improper attempt to have the judiciary decide important questions of energy and environmental policy to the exclusion of the elected branches of government."

The court also directed the children to address whether the district court has the jurisdiction to hear their constitutional challenge to Section 201 of the Energy Policy Act of 1992, which covers the Energy Department's authority to approve natural gas exports. Only appellate courts have jurisdiction to hear challenges to LNG export approvals, the Trump administration argued.

In addition, the 9th Circuit asked for an update on trial discovery, the review of government documents by the children's attorneys. The judges specifically want to know about upcoming deadlines and "ongoing or expected discovery disputes."

The order was issued by Judges Alfred Goodwin, a Richard Nixon appointee; Alex Kozinski, a Ronald Reagan appointee; and Marsha Berzon, a Bill Clinton appointee.

WHAT'S NEXT: The children and young adults fighting the government have 30 days to respond to the Trump administration's petition. The administration will then have 14 days to file a reply.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/07/9th-circuit-takes-next-step-in-trump-attempt-to-shut-down-climate-suit-091259>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Tue 11/21/2017 3:00:23 PM
Subject: EPA is Clearing Out the Agency's FOIA Backlog

EPA is Clearing Out the Agency's FOIA Backlog

WASHINGTON (November 21, 2017) - Today, the U.S. Environmental Protection Agency announced that the Agency is on track to significantly reduce the backlog of Freedom of Information Act (FOIA) requests received prior to 2017.

"We are committed to transparency," **said EPA Administrator Scott Pruitt**. "EPA staff have quickly responded to the challenge to clear the backlog of FOIAs that built up from the previous administration, all while continuing to respond to the large volume of incoming requests."

EPA's National FOIA Office and offices across the agency have been working hard to clear the backlog of FOIA requests that existed at the start of 2017. As of early October, 2017, EPA had 652 open FOIA requests that were submitted in prior years. As of today, the Agency is on track to provide responses to over 70 percent of those requests by the end of the calendar year.

"We have requests that are open from as far back as 2008," **said Steven Fine, EPA's acting chief information officer**. "EPA staff are finding ways to overcome a number of obstacles to complete the majority of the old requests by the end of December."

In addition to clearing the backlog from previous years, EPA continues to process incoming FOIA requests, to ensure the current administration is being open and transparent and to avoid unnecessary costs to the American taxpayer. For requests that cannot be completed by the end of the calendar year, the Agency is developing request-specific plans to ensure they are completed as early as possible.

"We are currently defending 41 FOIA lawsuits, which demonstrates that the public feels stronger about access to information than ever before," **said Kevin Minoli, EPA's acting general counsel**. "The effort of employees across EPA to systematically respond to the oldest FOIA requests and eliminate the backlog demonstrates the strength of our commitment to providing the public with access to information."

The National FOIA Office set targets, shared best practices, and worked together with the regions and programs to ensure that relevant information is shared with the public in ways that properly responded to each request. The National FOIA Office will also be developing a new webpage showing the progress of the backlog reduction effort, which will be found www.epa.gov/foia.

In fiscal year 2017 EPA received 11,493 FOIA requests, 995 more than the previous fiscal year. In that same period, EPA received 36 new FOIA lawsuits, compared to only 12 lawsuits in the previous year.

The numbers provided for pre-2017 FOIA requests do not include 34 pre-2017 requests received by EPA's Office of the Inspector General, which is an independent office within EPA.

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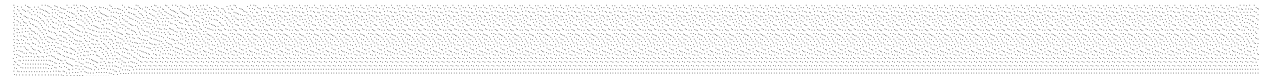
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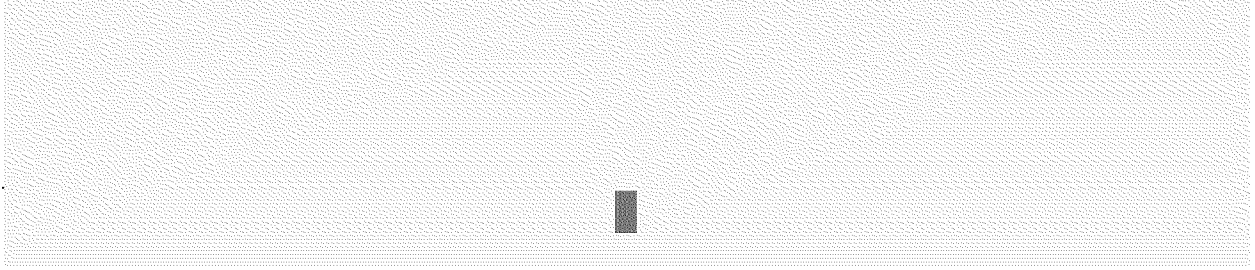
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Subject: Morning Consult Washington: GOP Senators Defend McConnell After Trump Attacks



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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Thur 10/12/2017 4:17:04 PM
Subject: EPA approves San Jacinto Waste Pits cleanup plan

EPA Approves San Jacinto Waste Pits Cleanup Plan

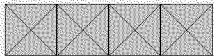
WATCH FOX 26: EPA Approves San Jacinto Waste Pits Cleanup Plan

FOX 26 Houston: "I want to thank EPA Administrator Pruitt for this decision," said Harris County Attorney Vince Ryan. "We appreciate that he visited the San Jacinto site personally and that he had EPA personnel checking it out to discover the dioxin exposure after the hurricane." "The hard work by County Attorney Vince Ryan and his staff has been remarkable. Jackie Young, Galveston Bay Foundation and other activists have been relentless in advocating for this solution and I'm thrilled the EPA made the right decision," said Harris County Precinct 2 Commissioner Jack Morman." ([Fox 26 Houston](#), 10/11/17)

WATCH KHOU-TV: EPA Approves Plan To Clean Up San Jacinto Waste Pits

KHOU NEWS: "'Young said this is a far better solution than the temporary caps on top of the waste pits now – a site Young and her family moved away from because of the health hazards. I've heard many people including my own father say I won't live to see this, and that was one of the best phone calls I got to make today – calling my dad,' [Environmental advocate Jackie] Young said." ([KHOU News](#), 10/11/17)

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From: EPA Press Office
Sent: Thur 8/10/2017 8:44:56 PM
Subject: PHOTOS: Administrator Pruitt Takes State Action Tour to Texas

Contact Information: press@epa.gov

PHOTOS: Administrator Pruitt Takes State Action Tour to Texas

DALLAS (August 10, 2017) - U.S. EPA Administrator Scott Pruitt capped off his week-long state swing in Texas today, marking his 10th state visit in four weeks as part of EPA's state action tour. For his first stop, Administrator Pruitt toured Toyota's new headquarters in Plano.

"EPA is always interested in seeing environmentally-friendly business practices first hand," **said EPA Administrator Pruitt**. "We celebrate companies who incorporate innovative and sustainable business practices into their growing companies."

"We were pleased to show Administrator Pruitt our new headquarters in Plano, TX and to highlight the environmental sustainability aspects of the new facility, **said Chris Reynolds, Executive Vice President, Toyota Motor North America**. "Toyota previously announced it will invest \$10 billion over the next five years in the U.S., and the new headquarters is just one of those commitments to help grow American jobs. We appreciate the opportunity to showcase our new Plano headquarters where we will soon have 4,000 team members working in a more collaborative way in order to better serve our customers."

Administrator Pruitt also met with the current and former leadership of the Dallas Builders Association while he was in Texas to discuss environmental issues around developing new projects in the North Texas area.

"We feel like it is important for us to get out, into the states and talk directly with local people and businesses about how EPA regulations affect them. What we are hearing is that people deeply care about the environment and want sensible regulations that allow them to grow their businesses and create local jobs, without unnecessarily and costly regulatory burdens," **said Administrator Pruitt**.

"The Dallas Builders Association commends EPA Administrator Pruitt for holding this roundtable in Dallas to get direct feedback from home builders and developers who are affected by burdensome regulations that raise the cost of housing and harm small businesses," **said Dallas BA President Michael Turner**. "The nation's home builders support the administrator's efforts to enact a revised waters of the U.S. rule that will protect the environment without adding unnecessary regulatory burdens that will hurt housing and other industries in Texas that rely on a predictable permitting process."

Earlier today, Administrator Pruitt joined WBAP Morning News. The interview can be heard here:

<http://www.wbap.com/2017/08/10/morning-news-epa-chief-scott-pruitt-interview/>

EPA Administrator Scott Pruitt (second from left) speaks with Toyota's Tom Stricker (left), Chris Reynolds (second from right), and Doug Beebe (right).

EPA Administrator Scott Pruitt (right) tours Toyota in Plano, Texas with Toyota's Tom Stricker (left), Doug Beebe (second from left), and Kevin Butt (right).

EPA Administrator Scott Pruitt greets members of the Dallas Builders Association.

EPA Administrator Scott Pruitt addresses the Dallas Builders Association.

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Subject: Morning Consult Washington: Week in Review & What's Ahead



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[REDACTED]

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Fri 9/15/2017 8:05:00 PM
Subject: EPA Administrator Scott Pruitt Visits Houston To Review Hurricane Harvey Response Efforts

CONTACT: press@epa.gov

EPA Administrator Scott Pruitt Visits Houston To Review Hurricane Harvey Response Efforts

HOUSTON (September 15, 2017) – Environmental Protection Agency (EPA) Administrator Scott Pruitt visited Houston, Texas, today to review the Agency's response efforts in areas affected by Hurricane Harvey.

"EPA remains committed to providing the necessary resources and personnel to ensure those affected by the devastation of Hurricane Harvey receive proper Agency attention," **said Administrator Pruitt.** "We continue to work closely with our federal, state, and local partners to ensure Superfund are being properly secured, fuel prices remain stabilized, and infrastructure and environmental assessments are thoroughly carried out."

Administrator Pruitt began his visit to Texas by touring the San Jacinto River Waste Pits Superfund site and received a briefing from on-the-ground EPA response personnel. Administrator Pruitt was joined by Acting Regional Administrator for Region 6 Samuel Coleman, Chairman of the Texas Commission on Environmental Quality (TCEQ) Bryan Shaw, and Federal Emergency Management Agency (FEMA) officials.

While Administrator Pruitt toured the site, an EPA dive team was conducting underwater inspections. EPA will continue to keep the public informed as assessments of the site continue and site determinations are made by the dive team.

Following his tour of the San Jacinto Superfund site, Administrator Pruitt received an aerial tour of additional affected Superfund sites in the region by the United States Coast Guard. Sites included: Patrick Bayou, U.S. Oil Recovery, San Jacinto River Waste Pits, Highlands Acid Pits, French Unlimited, Brio Refining, and Dixie Oil Processors.

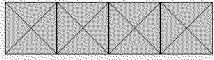
EPA personnel will continue to monitor Superfund sites in Texas affected by Hurricane Harvey, compile data on regulated facilities, sample possible environmental contaminants, and conduct air monitoring of the affected areas.

EPA Administrator Scott Pruitt meets with Acting Regional Administrator for Region 6 Samuel Coleman (right) and other local leaders at the San Jacinto Superfund in Texas.

EPA Administrator Scott Pruitt and Acting Regional Administrator for Region 6 Samuel Coleman speak with Scott Jones of the Galveston Bay Foundation and Jackie Young of the Texas Health and Environment Coalition.

EPA Administrator Scott Pruitt on a Coast Guard aerial tour of regional Superfund sites.

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Sent: Fri 10/20/2017 7:50:19 PM
Subject: EPW reschedules vote on nominees at EPA, NRC, DOT

By Alex Guillén

10/20/2017 03:46 PM EDT

The Senate Environment and Public Works Committee will vote next Wednesday on several EPA nominees whose advancement was temporarily imperiled this week by a fight between EPA and several Republican senators over the Renewable Fuel Standard.

Sen. Joni Ernst (R-Iowa) threatened to withhold her vote on EPA's air nominee, William Wehrum, until she received a written guarantee from the Trump administration on key points, forcing EPW leaders to postpone the vote that was scheduled for this week. The agency issued a letter making those promises on Thursday, and Ernst agreed to let the nominees move forward.

Aside from Wehrum, the panel will also vote on Michael Dourson to head EPA's chemicals office, David Ross to run the water office and Matthew Leopold to be general counsel.

The committee will also vote on Jeff Baran's re-nomination to the Nuclear Regulatory Commission and Paul Trombino to run the Federal Highway Administration.

The vote will take place Oct. 25 at 10 a.m. in Dirksen 406.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/10/epw-reschedules-vote-on-nominees-at-epa-nrc-dot-094576>

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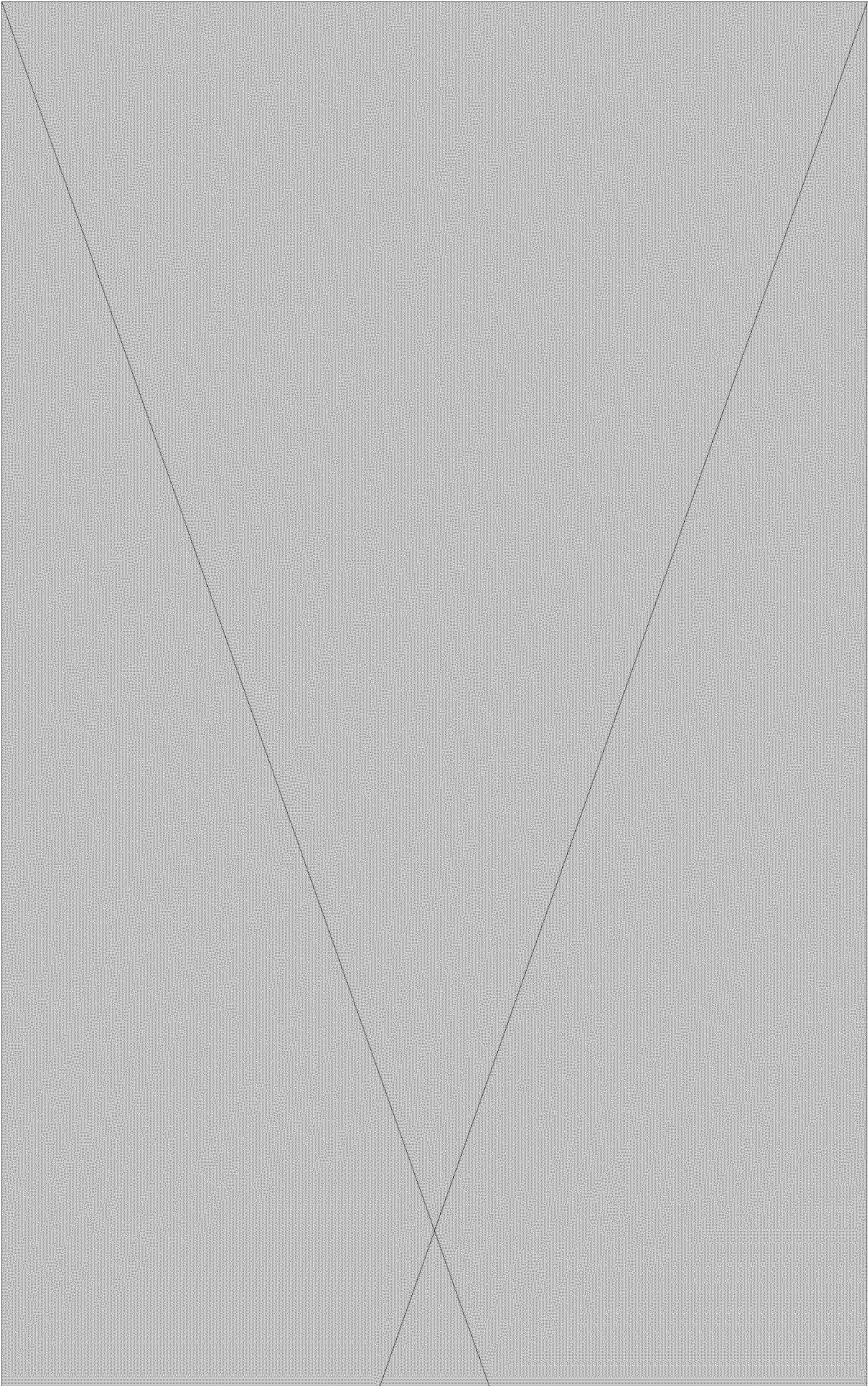
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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Thur 8/10/2017 6:38:55 PM
Subject: Sponsored by the American Farm Bureau: Tax Reform, Farmers and America



Morning Consult, on behalf of the American Farm Bureau, conducted an online survey of 1,996 registered voters from July 20 - July 24, 2017. Results from the full survey have a margin of error of +/- 2%.

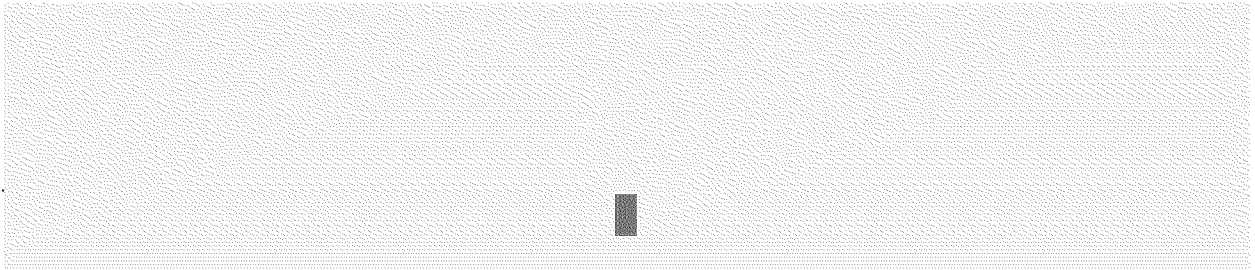
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From: Morning Consult
Sent: Wed 8/9/2017 12:27:26 PM
Subject: Morning Consult Washington: Trump Hits New Lows in Approval at 200-Day Mark

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Wed 10/25/2017 3:01:02 PM
Subject: Top EPA Presidential Nominees Approved By Senate EPW Committee

Top EPA Presidential Nominees Approved By Senate EPW Committee

WASHINGTON (October 25, 2017) - Today, the U.S. Environmental Protection Agency (EPA) presidential nominees to head the Agency's air, water, chemical and legal offices were approved by the U.S. Senate Environment and Public Works Committee (EPW). The following nominations will soon be moved to the Senate chamber for a full vote:

Michael Dourson, nominee to be assistant administrator for the Office of Chemical Safety and Pollution Prevention.

Matthew Leopold, nominee to be assistant administrator for the Office of General Counsel at the EPA.

David Ross, nominee to be assistant administrator for the Office of Water at the EPA.

Bill Wehrum, nominee to be assistant administrator for the Office of Air and Regulation.

"I want to thank Chairman John Barrasso and Members of the Senate Environment and Public Works Committee for granting our nominees a fair Hearing and approving their nominations," **said Administrator Scott Pruitt**. "These top leaders in their fields will bring positive change to EPA's mission to protect human health and the environment. We look forward to a full Senate vote on these highly-qualified leaders."

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Thur 8/10/2017 6:01:21 PM
Subject: Court indefinitely freezes challenges to carbon rule for future power plants

By Alex Guillén

08/10/2017 01:57 PM EDT

The D.C. Circuit Court of Appeals today said it will keep lawsuits challenging the Obama administration's carbon emissions rule for future power plants on hold indefinitely.

The suspension comes on the heels of the court's Tuesday order freezing litigation over the Clean Power Plan for another 60 days. That order came with a note from two judges indicating they are growing impatient with the Trump administration's lack of action in that case.

In today's one-page order, the court directed EPA to provide updates on its progress in reviewing the rule for future plants every 90 days.

Unlike the Clean Power Plan, the new plant rule is in effect, although other regulatory and market challenges mean no new coal-fired power plants are actively being planned.

WHAT'S NEXT: EPA must file its first status report on Oct. 27.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/08/court-indefinitely-freezes-challenges-to-carbon-rule-for-future-power-plants-091702>

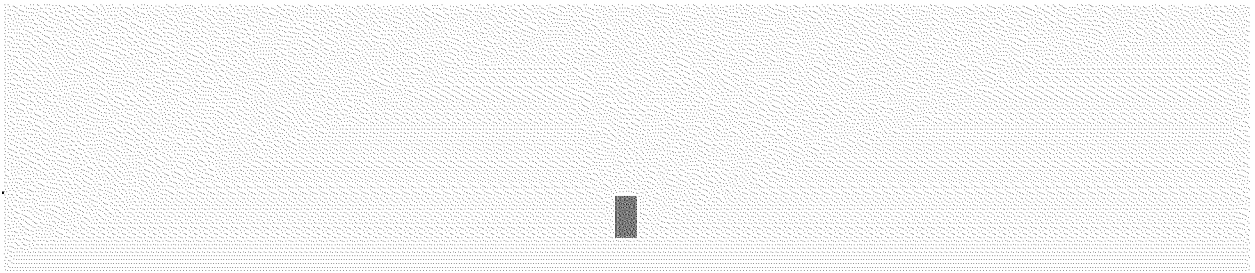
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| Yes, very | Somewhat | Neutral | Not really | Not at all |

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Arlington, VA, 22209, USA

To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Thur 8/3/2017 1:20:29 PM
Subject: Morning Consult Washington, Presented by the Electronic Payments Coalition: White House Considering Rick Perry to Run DHS

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Center for a New American Security
Sent: Wed 10/25/2017 2:30:00 PM
Subject: Workshop Invitation: Energy Policy in an Era of Economic Populism

CNAS Workshop on Energy Policy

CNAS EVENT INVITATION

Energy Policy in an Era of Economic Populism

Tuesday, November 14, 2017
Center for a New American Security
1152 15th Street NW, 9th Floor
Washington, DC 20005
2:00-3:30 PM

A Private Roundtable Featuring:

Monica de Bolle
Senior Fellow
Peterson Institute for
International Economics

Paul Cicio
President
Industrial Energy Consumers of America

Karl Hausker
Senior Fellow, Global Climate Program
World Resources Institute

Amos Hochstein
Senior Vice President, Marketing
Tellurian

Frederick Lawrence
Vice President, Economics & International Affairs
Independent Petroleum Association of America

Aaron Padilla
Senior Advisor, International Policy
American Petroleum Institute

Presented by:

Elizabeth Rosenberg

Senior Fellow and Director,
Energy, Economics, and Security Program
Center for a New American Security

David Gordon

Adjunct Senior Fellow
Energy, Economics, and Security Program
Center for a New American Security

Divya Reddy

Practice Head for Global Energy & Natural Resources
Eurasia Group

Please join us for a private, off-the-record roundtable to discuss U.S. participation in, and support for, open energy markets and the potential impacts of shifting U.S. trade policy on the competitiveness of the U.S. energy industry. The Trump administration has already signaled that it will approach trade negotiations differently than its predecessors, with a strong focusing on protecting domestic industry in renegotiations over NAFTA, to take one prominent example. Additionally, the administration has also publicly considered tariffs on China, which may also impact energy industry inputs.

The discussion will focus on the following questions: (1) What does a rising tide of economic populism mean for U.S. energy industry competitiveness? (2) How will energy markets respond to the new administration's stated trade policies? (3) Can the United States continue to capitalize on its global leadership in energy production with a shrinking commitment to its traditional openness to global trade?

The event will coincide with the launch of a CNAS report on "**Energy, Economic Growth, and U.S. National Security: The Case for an Open Trade and Investment Regime**" by David F. Gordon, Divya P. Reddy, Elizabeth Rosenberg, Neil Bhatiya, and Edoardo Saravalle.

Please note that this is a private, off-the-record event and invites are non-transferrable. **To RSVP to this event, please contact Kaleigh Thomas at kthomas@cnas.org.**

The Center for a New American Security (CNAS) is an independent and nonpartisan research institution that develops strong, pragmatic and principled national security and defense policies. CNAS leads efforts to help inform and prepare the national security leaders of today and tomorrow.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Thur 8/10/2017 5:53:44 PM
Subject: "New York Times Guilty of Large Screw-Up on Climate-Change Story"

THE WASHINGTON POST

New York Times Guilty of Large Screw-Up on Climate-Change Story

The Washington Post
August 10, 2017

https://www.washingtonpost.com/blogs/erik-wemple/wp/2017/08/09/new-york-times-guilty-of-large-screw-up-on-climate-change-story/?utm_term=.209c6c2d9486

The New York Times on Wednesday appended a correction to a story about a climate change study:

Correction: August 9, 2017

An article on Tuesday about a sweeping federal climate change report referred incorrectly to the availability of the report. While it was not widely publicized, the report was uploaded by the nonprofit Internet Archive in January; it was not first made public by The New York Times.

That correction, which sits at the foot of the story, dutifully straightens out the record. Yet given the magnitude of the screw-up, it should sit atop the story, surrounded by red flashing lights and perhaps an audio track to instruct readers: Warning: This story once peddled a faulty and damaging premise.

That premise suggests that the Trump administration is stifling a damaging draft report — part of the congressionally mandated National Climate Assessment — with dire warnings about climate change. “The average temperature in the United States has risen rapidly and drastically since 1980, and recent decades have been the warmest of the past 1,500 years, according to a sweeping federal climate change report awaiting approval by the Trump administration,” noted the lead of the article, which was written by Lisa Friedman.

As it detailed the conclusions of the draft report, the New York Times highlighted an equally scary prospect: That without the intervention of the New York Times, it might not have seen the light of day. Examples:

- “One government scientist who worked on the report, and who spoke to The Times on the condition of anonymity, said he and others are concerned it will be suppressed.”
- “A copy of it was obtained by The New York Times.”
- “The draft report by scientists from 13 federal agencies, which has not yet been made public, concludes that Americans are feeling the effects of climate change right now.”

As part of its corrective effort, the New York Times has pulled the language saying that “a copy of it

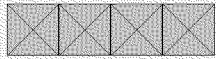
was obtained by the New York Times,” as well as the mistaken assertion that it has “not yet been made public.” Even so, the article continues to carry this line: “Another scientist involved in the process, who spoke to The New York Times on the condition of anonymity, said he and others were concerned that it would be suppressed.” As well as this one: “Scientists say they fear that the Trump administration could change or suppress the report.”

Though it may be the case that certain scientists maintain such fears, that’s a pretty tough position in light of the fact that the report “was uploaded by the nonprofit Internet Archive in January” and publicized by the New York Times in August.

It is unclear how such a mistake came about. Maybe reporter Lisa Friedman failed to consult one Bob Kopp, or others who cited the error on Twitter:

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From: Approval Queue
Sent: Wed 9/13/2017 12:07:44 PM
Subject: Your request 'Trip from Washington, DC to New York, NY' was approved.

Your request 'Trip from Washington, DC to New York, NY' was approved.

Approved on 2017, September 13, Wednesday at 08:07 am Eastern Time by: NICOLE SMOOT
Comments:

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Center for a New American Security
Sent: Mon 11/20/2017 9:39:07 PM
Subject: CNAS Commentary on “U.S.-China Trade: A Balanced Approach”

Anja Manuel outlines a tough but balanced U.S. trade strategy toward China.

Contact:
Neal Urwitz
nurwitz@cnas.org
(202) 457-9409

CNAS PRESS NOTE

CNAS Commentary on “U.S.-China Trade: A Balanced Approach”

Washington, November 20 – With President Trump having recently returned from a trip to Asia – where trade with China took center-stage – Center for a New American Security (CNAS) Board of Advisors member [Anja Manuel](#) has written a new commentary outlining what a tough but balanced U.S. trade strategy toward China might look like. The commentary, “[U.S.-China Trade: A Balanced Approach](#),” describes the specific Chinese practices U.S. companies believe unfairly affect them and American workers. It takes a hard look at which efforts work, which should be scrapped, and what other measures might be effective and smart, without unnecessarily stoking Chinese nationalism and compromising cooperation in other areas.

Executive Summary

President Trump is right to want to get the U.S. economy growing again and help those left behind. And he is right that in the past decade China has taken advantage of its access to the U.S. market and invested in some of the United States’ most sensitive industries, while building barriers to effectively fence many foreign companies out of China’s own economy.

President Trump’s team can achieve these goals while maintaining a reasonably positive relationship with China, which in the long term will benefit both countries. The most difficult foreign policy issues in Asia will be easier to resolve if the United States and China find a way to cooperate economically.

As the president returns from his first visit to China, much of the administration’s trade policy toward the United States’ most important, and difficult, trade partner is still being developed. China hawks are negotiating internally with more pro-trade advisors about how tough a stance to take. Far from imposing the 45 percent tariffs on Chinese imports the president threatened on the campaign trail, his administration’s actions so far have been relatively mild. The new Economic Dialogue has achieved little so far – which is to be expected with such thorny issues. In May, China agreed to open its markets to U.S. beef, biotechnology products, credit rating services, and electronic payment services. In April, the U.S. Trade Representative (USTR) initiated a Section 232 investigation on the effects of Chinese steel imports (and later aluminum) on U.S. national security. In August, the USTR launched a Section 301 investigation into China’s Intellectual property rights and forced technology transfer policies to determine their impact on U.S. economic interests. It is not yet clear whether the

World Trade Organization (WTO) will adjudicate this dispute, or if the United States will handle it unilaterally.

The paper outlines the specific Chinese practices U.S. companies believe unfairly affect them and American workers. It also explains current efforts and additional measures the Trump administration could use to open further the Chinese market or address important imbalances.

For example, the United States could consider:

- Working with like-minded countries to bring real clout to the recently established G20 forum to address the world oversupply of heavy manufactured products like steel and aluminum.
- Sector-by-sector trade negotiations to open markets where the United States is most competitive, as the administration is already doing with beef and some financial services. This could expand to agribusiness, energy, entertainment, technology, healthcare, and the internet. This is similar to what the United States did with Japan in the 1980s.
- Expanding the scope of review of the Committee on Foreign Investment in the United States (CFIUS) process somewhat, so Chinese firms don't buy the United States' most critical technologies, and that those engaging in intellectual property (IP) theft, cyber-espionage, and other problematic practices cannot conduct mergers and acquisitions activity in the U.S. until they resolve these issues.

Some existing remedies have been effective, so they should not be thrown out in the interest of trying something new. But it is time for a good hard look at what works, what should be scrapped, and what other measures might be effective and smart, without unnecessarily stoking Chinese nationalism and compromising cooperation in other areas.

The Center for a New American Security (CNAS) is an independent and nonpartisan research institution that develops strong, pragmatic and principled national security and defense policies. CNAS leads efforts to help inform and prepare the national security leaders of today and tomorrow.

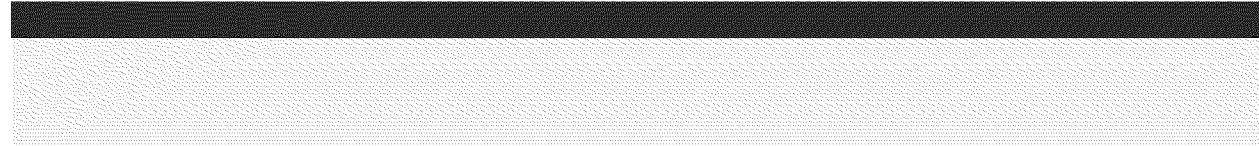
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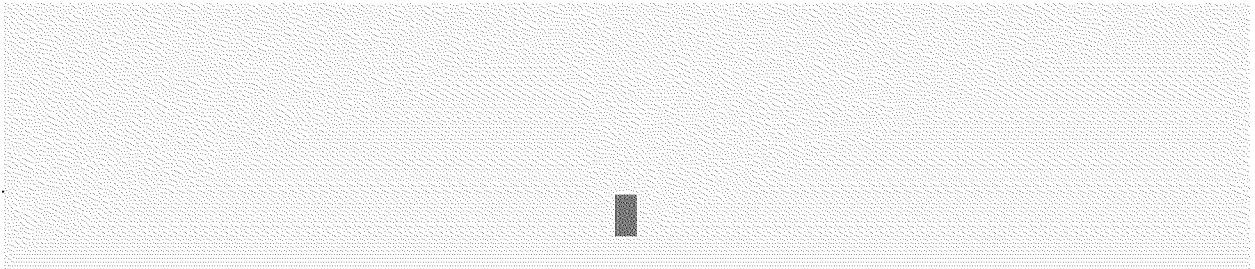
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From: Morning Consult
Sent: Wed 10/25/2017 12:42:21 PM
Subject: Morning Consult Washington, Presented by the Electronic Payments Coalition: Senate Clears \$36.5 Billion Hurricane Relief Bill



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From: Approval Queue
Sent: Fri 9/29/2017 8:09:19 PM
Subject: Your request 'Trip from Washington to Cincinnati' was approved.

Your request 'Trip from Washington to Cincinnati' was approved.

Approved on 2017, September 29, Friday at 04:09 pm Eastern Time by: NICOLE SMOOT
Comments:

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Tue 8/8/2017 6:32:30 PM
Subject: PHOTOS: Pruitt Continues State Action Tour in Iowa

Contact Information: press@epa.gov

PHOTOS: Pruitt Continues State Action Tour in Iowa

Des Moines, Iowa (August 8, 2017) U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt continued his state action tour in Iowa on Tuesday, visiting his eighth state in four weeks.

"Iowa is home to a robust agriculture industry that EPA should not be obstructing with unnecessary and costly regulations that do little to promote environmental stewardship," **said EPA Administrator Scott Pruitt**. "By beginning the process to redefine WOTUS, EPA is providing regulatory certainty for farmers, ranchers, and landowners while respecting the traditional oversight role of states to help keep water clean."

Administrator Pruitt began his visit at the state capitol where he met with Iowa Governor Kim Reynolds, U.S. Senator Joni Ernst, Iowa Lt. Governor Adam Gregg, Iowa Secretary of Agriculture Bill Northey and other state officials to discuss how EPA's recent decision to begin the process of redefining 'Waters of the United States' (WOTUS) will help empower traditional state governing powers and keep water clean for Iowans. Following his meeting at the state capitol, Administrator Pruitt held a roundtable hosted by the Iowa Farm Bureau where he met with state agribusiness leaders to discuss how EPA is providing regulatory certainty with the Agency's recent WOTUS decision. U.S. Senator Chuck Grassley also joined Administrator Pruitt and state officials at the roundtable.

"The 2015 Waters of the United States rule was a significant and severe case of government overreach by the Obama administration," **said Iowa Governor Kim Reynolds**. "I want to thank Administrator Pruitt for traveling to Iowa to hear directly from farmers, once again showing his commitment to partnering with states."

"The federal government works for the people of Iowa and the rest of the United States," **said U.S. Sen. Chuck Grassley**. "Administrator Pruitt is right to come to Iowa and hear firsthand how the WOTUS rule and other regulations affect the farmers on the ground who are good stewards of the land while feeding the world."

"Today we heard more input from Iowans about the harmful impact the Obama administration's WOTUS rule would have on our state," **said U.S. Senator Joni Ernst**. "Here in Iowa, 97 percent of our land could see extensive overregulation by the EPA through this misguided rule, unnecessarily hamstringing our farmers, businesses, and manufacturers. I am pleased that Administrator Pruitt and the Trump administration are taking this feedback seriously and are working to eliminate the burdensome WOTUS rule."

"With the potential to regulate 97% of Iowa and hamper the ability of farmers to implement conservation efforts, we applaud EPA Administrator Pruitt for taking the steps to repeal the misguided Waters of the U.S. rule," **said Craig Hill, President of the Iowa Farm Bureau Federation**. "Farm Bureau looks forward to working with the EPA to draft a new rule that provides clarity and predictability to farmers and upholds the intent of the Clean Water Act."

EPA Administrator Pruitt (left) discusses WOTUS and other Agency priorities with U.S. Senator Joni Ernst (second from left), Iowa Governor Kim Reynolds (second from right), and Iowa Lt. Governor Adam Gregg (right).

Iowa Lt. Adam Gregg (left), Iowa Governor Kim Reynolds (second from left), EPA Administrator Scott Pruitt (middle), U.S. Senator Joni Ernst (second from right), and Iowa Secretary of Agriculture Bill Northey (right).

EPA Administrator Scott Pruitt addresses roundtable at the Iowa Farm Bureau

U.S. Senator Joni Ernst (left), Iowa Governor Kim Reynolds (second from left), EPA Administrator Scott Pruitt (middle), U.S. Senator Chuck Grassley (second from right), and Iowa Farm Bureau President Craig Hill (right) hold roundtable on WOTUS .

EPA Administrator Scott Pruitt elaborates on EPA's decision to begin the process redefining WOTUS.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Fri 10/20/2017 4:11:48 PM
Subject: TIME: "I Don't Spend Any Time With Polluters. I Prosecute Polluters." - Scott Pruitt

Pruitt: "I Don't Spend Any Time With Polluters. I Prosecute Polluters."

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TIME MAGAZINE

"I Don't Spend Any Time With Polluters. I Prosecute Polluters." - Scott Pruitt

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Justin Worland
Time Magazine
October 20, 2017

<http://time.com/4990060/scott-pruitt-interview-epa-schedule-meetings/>

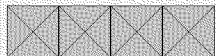
The head of the Environmental Protection Agency defended his meetings with energy companies, chemical manufacturers, automakers and other industry groups, arguing that they were "stakeholders" not "polluters."

In an exclusive interview with TIME on Oct. 18, former Oklahoma attorney general Scott Pruitt argued that the recent criticism of his schedule, which showed he met with environmental groups less than 1% of the time, was inaccurate.

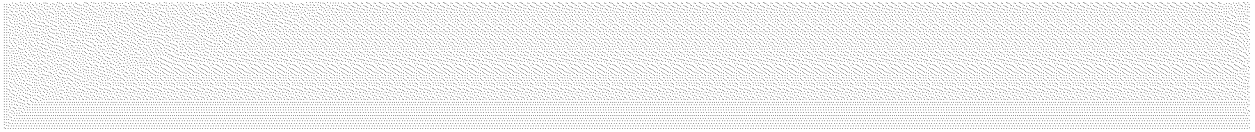
"I don't spend any time with polluters. I prosecute polluters," says Pruitt. "What I'm spending time with are stakeholders who care about outcomes. I think it's a wrong premise. It's Washington D.C.- think to look at folks across the country—from states to citizens to farmers and ranchers, industry in general—and say they are evil or wrong and we're not going to partner with them."

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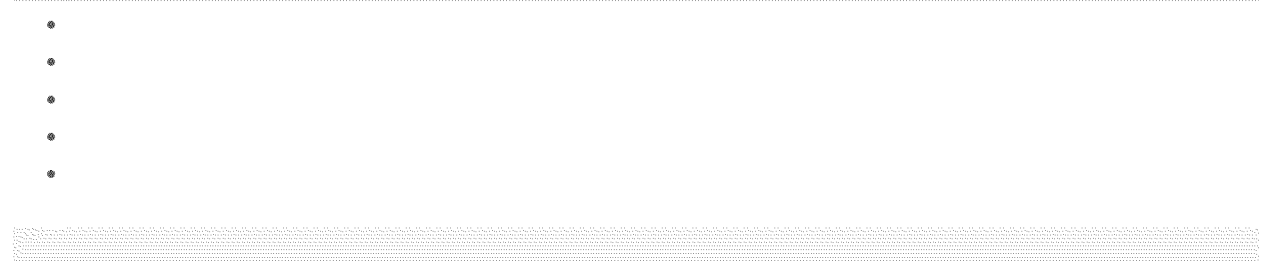
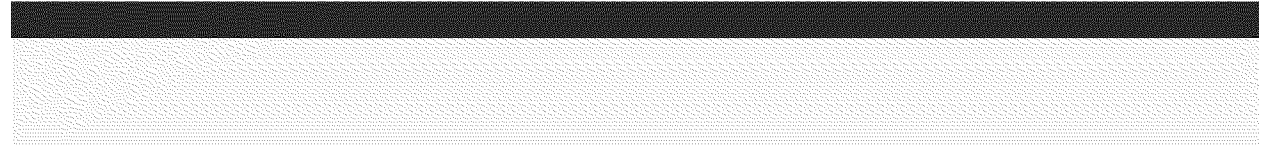
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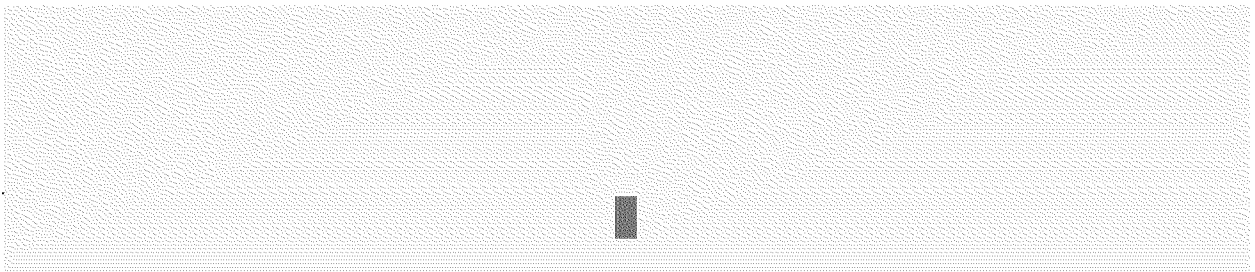
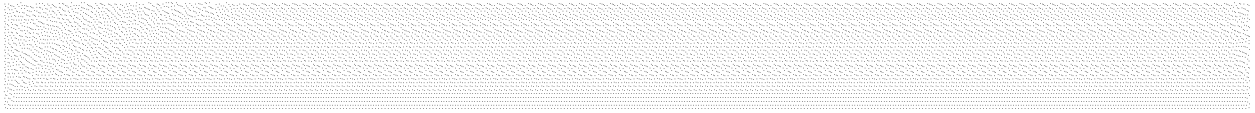


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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: Morning Consult
Sent: Sun 11/5/2017 2:01:24 PM
Subject: Morning Consult Washington, Presented by the National Association of Broadcasters: Week in Review & What's Ahead





To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Mon 11/20/2017 8:05:37 PM
Subject: Terminix Companies Sentenced for Applying Restricted-Use Pesticide to Residences in the U.S. Virgin Islands

Terminix Companies Sentenced for Applying Restricted-Use Pesticide to Residences in the U.S. Virgin Islands

WASHINGTON (November 20, 2017) - Terminix International Company LP (TERMINIX LP) and U.S. Virgin Islands operation Terminix International USVI LLC (TERMINIX, USVI) were sentenced today for violations of the Federal Insecticide, Fungicide, and Rodenticide Act in the U.S. Virgin Islands, announced the Department of Justice and the Environmental Protection Agency.

The Virgin Islands pest control company illegally applied fumigants containing methyl bromide in multiple residential locations in the U.S. Virgin Islands, including the condominium resort complex in St. John where a family of four fell seriously ill in March 2015 after the unit below them was fumigated. According to the plea recommendation, TERMINIX LP and TERMINIX, USVI are to pay a total of \$10 million in criminal fines, community service, and restitution payments. Under the agreed recommendation, TERMINIX, USVI will pay \$4 million in fines and \$1 million in restitution to the EPA for response and clean-up costs at the St. John resort. TERMINIX LP will pay a fine of \$4 million and will perform community service related to training commercial pesticide applicators in fumigation practices and a separate health services training program.

"The sentences in this case reflect the serious nature of the defendants' illegal actions and the unacceptable consequences of those actions," said EPA Administrator Scott Pruitt. "This case should serve as a stark reminder that pesticides must be applied as intended and that those who ignore laws that protect public health will be held accountable by EPA and our law enforcement partners."

"The tragic incident at issue in this case shows the extreme danger posed by the improper use of toxic pesticides," said Acting Assistant Attorney General Jeffrey H. Wood of the Justice Department's Environment and Natural Resources Division. "Businesses using these products must take appropriate cautions to safeguard the public, or else the consequences can be devastating. We trust that the result in this case shows how imperative it is that users of these products take the time to review, understand, and employ appropriate techniques and uses."

"This case demonstrates how critical it is to comply with environmental laws and regulations," said Acting United States Attorney Joycelyn Hewlett for the District of the Virgin Islands. "An entire family suffered horrendous and life-altering injuries. We will continue to aggressively enforce environmental laws to help prevent something like this from ever happening again."

In 1984, the EPA banned the indoor use of methyl bromide products. The few remaining uses are severely restricted and largely limited to commodity applications for quarantine and pre-shipment purposes. Pesticides containing methyl bromide in the U.S. are restricted-use due to their acute toxicity, meaning that they may only be applied by a certified applicator. Health effects of acute exposure to methyl bromide are serious and include central nervous system and respiratory system damage. Pesticides can be very toxic and it is critically important that they be used only as approved by EPA.

According to the information filed in federal court in the U.S. District Court of the Virgin Islands, the defendants knowingly applied restricted-use fumigants at the Sirenusa resort in St. John for the purpose of exterminating household pests on or about October 20, 2014, and on or about March 18, 2015. The companies were also charged with applying the restricted-use pesticide in 12 residential units in St. Croix and one additional unit in St. Thomas between September 2012 and February 2015.

According to the factual basis of the plea agreement, TERMINIX, USVI provided pest control services in the Virgin Islands including fumigation treatments for Powder Post Beetles, a common problem in the islands. These fumigation treatments were referred to as "tape and seal" jobs, meaning that the affected area was to be sealed off from the rest of the structure with plastic sheeting and tape prior to the introduction of the fumigant. Customers were generally told that after a treatment, persons could not enter the building for a two- to three-day period.

On or about March 18, 2015, two employees of TERMINIX, USVI, performed a fumigation pesticide treatment at the lower rental unit of Building J at Sirenusa in St. John. The upper unit in Building J was occupied by a Delaware family of four. Via various means, methyl bromide from the lower unit migrated to the upper unit of Building J, causing serious injury to and hospitalization of the entire family.

EPA regional staff responded immediately to the incident in St. John, securing the scene, performing testing, and addressing the contamination. Within days, the EPA sent out a pesticide use warning to pesticides applicators in Puerto Rico and the U.S. Virgin Islands, followed by a broader pesticide notice to regulators in all states, the British Virgin Islands, and to other Caribbean and Latin American countries.

After the government began its investigation, TERMINIX LP voluntarily ceased its use of methyl bromide in the U.S. and in U.S. territories. The government has notified the district court that the defendants have made full restitution to the Esmond family. The family is satisfied with the criminal resolution and has asked that their privacy be respected.

The case was investigated by EPA Criminal Investigation Division working cooperatively with the Virgin Islands government and, the Agency for Toxic Substances and Disease Registry.

Senior Litigation Counsel Howard P. Stewart of the Department of Justice, Environmental Crimes Section, and Assistant U.S. Attorney Kim L. Chisholm of the District of the Virgin Islands are prosecuting the case with assistance of Patricia Hick, EPA Region II Regional Criminal Enforcement Counsel.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Fri 11/3/2017 4:49:08 PM
Subject: Pruitt announces new appointees to advisory boards after banning EPA grant recipients

Among the other choices are: Jennifer McPartland, a senior scientist of the Environmental Defense Fund; Kari Cutting of the North Dakota Petroleum Council; Tim Wallington of Ford and Bart Croes of the California Air Resources Board.

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THE WASHINGTON EXAMINER

Scott Pruitt Announces New Appointees To Advisory Boards After Banning EPA Grant Recipients

Josh Siegel

November 3, 2017

<http://www.washingtonexaminer.com/scott-pruitt-announces-new-appointees-to-advisory-boards-after-banning-epa-grant-recipients/article/2639547>

Environmental Protection Agency Administrator Scott Pruitt on Friday announced new appointments to three key advisory boards, and made it clear he favors state regulators and energy industry representatives over environmentalists.

The appointments to the Science Advisory Board, Clean Air Scientific Advisory Committee, and Board of Scientific Counselors were announced after Pruitt this week unveiled a new directive to block scientists who receive EPA funding from serving on the advisory boards.

Pruitt, in announcing the directive barring EPA grant recipients, said more than 430 people applied to the Board of Scientific Counselors and over 130 applied for the Scientific Advisory Board. Forty-two people have applied for seven positions with the Clean Air Scientific Advisory Committee.

Critics say that means the EPA will fill the boards with corporate interests who support Pruitt's deregulatory agenda.

But Pruitt said the current crop of applicants represent a broader geographic area than in previous boards. He said his goal is to provide more "fulsome" representation on the boards.

"To ensure that EPA is receiving the best independent scientific advice, I am appointing highly-qualified experts and scientists to these important committees," Pruitt said Friday.

Michael Honeycutt, who heads the Texas Commission on Environmental Quality's toxicology division, will lead the Scientific Advisory Board. Honeycutt has questioned the health risks associated with smog.

Tony Cox, an independent consultant in quantitative risk analysis, will lead the Clean Air Scientific Advisory Committee. And Paul Gilman, chief sustainability officer at Covanta Energy and a former EPA official under President George W. Bush, will head the Board of Scientific Advisers.

Pruitt appointed two others to the seven-member Clean Air Scientific Advisory Committee: James Boylan of the Georgia Department of Natural Resources, and Larry Wolk from the Colorado Department of Public Health & Environment.

He chose 18 new members for the Scientific Advisory Board, with representatives from the utility industry, chemical industry, refining industry and state governments. These include Larry Monroe of Southern Company, Kimberly White of the American Chemistry Council, Merlin Lindstrom of Phillips 66, and Bob Blanz of the Arkansas Department of Environmental Quality.

Monroe, as chief environmental officer at Southern Company, argued the Obama administration's Clean Power Plan was "unworkable and would increase electricity prices to customers while hurting reliability."

Arkansas was one of 26 states that sued the Obama administration over the Clean Power Plan, which aimed to regulate emissions from coal-fired power plants.

Another appointee, Anne Smith, the managing director of NERA Economic Consulting, has worked for groups that opposed the Obama administration's regulatory agenda

Pruitt's appointments to the Board of Scientific Counselors contain more balance between industry and science. There are multiple representatives from the federal national labs, including Charlette Geffen and Katrina Waters of the Pacific Northwest National Laboratory.

Among the other choices are: Jennifer McPartland, a senior scientist of the Environmental Defense Fund; Kari Cutting of the North Dakota Petroleum Council; Tim Wallington of Ford and Bart Croes of the California Air Resources Board.

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From: EPA Press Office
Sent: Fri 11/3/2017 3:45:02 PM
Subject: EPA Announces Intention To Nominate Members To Three Important Federal Advisory Committees

EPA Announces Intention To Nominate Members To Three Important Federal Advisory Committees

WASHINGTON (November 3, 2017) – Today, Environmental Protection Agency (EPA) Administrator Scott Pruitt announced his intention to appoint members who will serve on the Board of Scientific Counselors (BOSC), the Clean Air Science Advisory Committee (CASAC) and the Science Advisory Board (SAB).

“To ensure that EPA is receiving the best independent scientific advice, I am appointing highly-qualified experts and scientists to these important committees,” **said EPA Administrator Scott Pruitt.**

In a fair, open, and transparent fashion, EPA reviewed hundreds of qualified applicants nominated for these committees. Members who will be appointed include experts throughout the environmental stakeholder community, including from NGOs, academia, industry, and state, tribal and local officials. The makeup of the membership speaks to EPA’s commitment to science and openness to expertise from a diverse array of perspectives. Those nominees willing to serve have committed to remaining financially independent from EPA grants during their tenures.

Federal Advisory Committees (FAC) members that will serve on the BOSC can be found [here](#).

Federal Advisory Committees (FAC) members that will serve on the CASAC can be found [here](#).

Federal Advisory Committees (FAC) members that will serve on the SAB can be found [here](#).

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Wed 11/1/2017 5:30:14 PM
Subject: Pruitt Promotes Independence On EPA Science Boards

Pruitt: "The days of 'political science' are over at the agency."

Pruitt Promotes Independence On EPA Science Boards

"It Just Is Not Right For The Agency To Be Issuing \$77 Million In Grants And Then Asking These People To Be Providing Independent Counsel."
- EPA Administrator Scott Pruitt

THE WASHINGTON POST: "Scott Pruitt Blocks Scientists With EPA Funding From Serving As Agency Advisers." "It is very, very important to ensure independence, to ensure that we're getting advice and counsel independent of the EPA,' Pruitt told reporters Tuesday. He estimated that the members of three different committees — Scientific Advisory Board, the Clean Air Science Advisory Committee and the Board of Scientific Counselors — had collectively accepted \$77 million in EPA grants over the last three years. He noted that researchers will have the option of ending their grant or continuing to advise EPA, 'but they can't do both.'" ([The Washington Post](#), 10/31/17)

THE WALL STREET JOURNAL: "EPA Bars Scientists It Funds From Advisory Roles." "The Environmental Protection Agency will no longer permit scientists receiving agency grants to serve on three of its independent advisory boards, a change the agency said was designed to foster greater independence and regional diversity for the panels, but which scientist groups and environmental advocates said would give polluting industries undue policy influence." ([The Wall Street Journal](#), 10/31/17)

USA TODAY: "Pruitt Moves To Shake Up EPA Advisory Boards." "Scientists who receive grants from the Environmental Protection Agency will no longer be allowed to simultaneously serve on the agency's nearly two dozen advisory boards, an unprecedented directive EPA Administrator Scott Pruitt ... 'We want to ensure that the American people have confidence ... in the process and that the advisers that we have in each of these respective capacities are providing independent, arms-length input to us as we make decisions.'" ([USA Today](#), 10/31/17)

THE WASHINGTON FREE BEACON: "Members Of Scientific Boards Received \$77 Million From EPA While Advising Agency." "Under the last three years of the Obama administration, members sitting on just three of the agency's scientific advisory boards received \$77 million in EPA grants. Pruitt said individuals advising in policy and regulatory matters should be completely independent of the EPA." ([The Washington Free Beacon](#), 10/31/17)

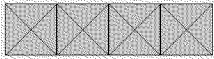
THE WASHINGTON EXAMINER: "Scott Pruitt Bars EPA Grant Recipients From Serving On Advisory Boards." "People receiving EPA grants who currently serve on the three boards will have to choose whether to keep the grant or continue their work on the boards. Most board members serve three-year terms. 'You have to choose, are you going to continue getting a grant or serve the agency,' Pruitt said. 'They can't do both.'" ([The Washington Examiner](#), 10/31/17)

ABC NEWS: "EPA Blocks Some Scientists From Serving On Advisory Boards." "The

Environmental Protection Agency announced today that scientists who receive money from the agency will no longer be able to serve on its advisory boards, a move that critics contend will push independent science out of decisions about environmental policy. ... The EPA argues that in addition to strengthening the independence of members on its boards, the move will further increase the diversity of the councils, with new members offering 'fresh perspectives.' The agency is further promoting participation from state, local and tribal governments." ([ABC News](#), 10/31/17)

DAILY CALLER: "Trump's EPA Takes Steps To 'Ensure Independence' Among Science Advisers." "EPA will no longer allow researchers to serve on three scientific advisory boards if they also receive agency grants. The policy is to ensure science advisers are truly independent from EPA, Pruitt said, echoing concerns Republicans have voiced for years." ([Daily Caller](#), 10/31/17)

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From: Center for a New American Security
Sent: Wed 11/1/2017 2:00:13 PM
Subject: Workshop Invitation: Energy Policy in an Era of Economic Populism

CNAS Workshop on Energy Policy

CNAS EVENT INVITATION

Energy Policy in an Era of Economic Populism

**Tuesday, November 14, 2017
Center for a New American Security
1152 15th Street NW, 9th Floor
Washington, DC 20005
2:00-3:30 PM**

A Private Roundtable Featuring:

Monica de Bolle
Senior Fellow
Peterson Institute for
International Economics

Paul Cicio
President
Industrial Energy Consumers of America

Karl Hausker
Senior Fellow, Global Climate Program
World Resources Institute

Amos Hochstein
Senior Vice President, Marketing
Tellurian

Frederick Lawrence
Vice President, Economics & International Affairs
Independent Petroleum Association of America

Aaron Padilla
Senior Advisor, International Policy
American Petroleum Institute

Presented by:

Elizabeth Rosenberg

Senior Fellow and Director,
Energy, Economics, and Security Program
Center for a New American Security

David Gordon

Adjunct Senior Fellow
Energy, Economics, and Security Program
Center for a New American Security

Divya Reddy

Practice Head for Global Energy & Natural Resources
Eurasia Group

Please join us for a private, off-the-record roundtable to discuss U.S. participation in, and support for, open energy markets and the potential impacts of shifting U.S. trade policy on the competitiveness of the U.S. energy industry. The Trump administration has already signaled that it will approach trade negotiations differently than its predecessors, with a strong focusing on protecting domestic industry in renegotiations over NAFTA, to take one prominent example. Additionally, the administration has also publicly considered tariffs on China, which may also impact energy industry inputs.

The discussion will focus on the following questions: (1) What does a rising tide of economic populism mean for U.S. energy industry competitiveness? (2) How will energy markets respond to the new administration's stated trade policies? (3) Can the United States continue to capitalize on its global leadership in energy production with a shrinking commitment to its traditional openness to global trade?

The event will coincide with the launch of a CNAS report on "**Energy, Economic Growth, and U.S. National Security: The Case for an Open Trade and Investment Regime**" by David F. Gordon, Divya P. Reddy, Elizabeth Rosenberg, Neil Bhatiya, and Edoardo Saravalle.

Please note that this is a private, off-the-record event and invites are non-transferrable. **To RSVP to this event, please contact Kaleigh Thomas at kthomas@cnas.org.**

The Center for a New American Security (CNAS) is an independent and nonpartisan research institution that develops strong, pragmatic and principled national security and defense policies. CNAS leads efforts to help inform and prepare the national security leaders of today and tomorrow.

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Subject: Reminder: Energy Policy in an Era of Economic Populism

CNAS Workshop on Energy Policy

CNAS EVENT INVITATION

Energy Policy in an Era of Economic Populism

Tuesday, November 14, 2017
Center for a New American Security
1152 15th Street NW, 9th Floor
Washington, DC 20005
2:00-3:30 PM

A Private Roundtable Featuring:

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Senior Fellow
Peterson Institute for
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Karl Hausker
Senior Fellow, Global Climate Program
World Resources Institute

Amos Hochstein
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Frederick Lawrence
Vice President, Economics & International Affairs
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Aaron Padilla
Senior Advisor, International Policy
American Petroleum Institute

Presented by:

Elizabeth Rosenberg

Senior Fellow and Director,
Energy, Economics, and Security Program
Center for a New American Security

David Gordon

Adjunct Senior Fellow
Energy, Economics, and Security Program
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Divya Reddy

Practice Head for Global Energy & Natural Resources
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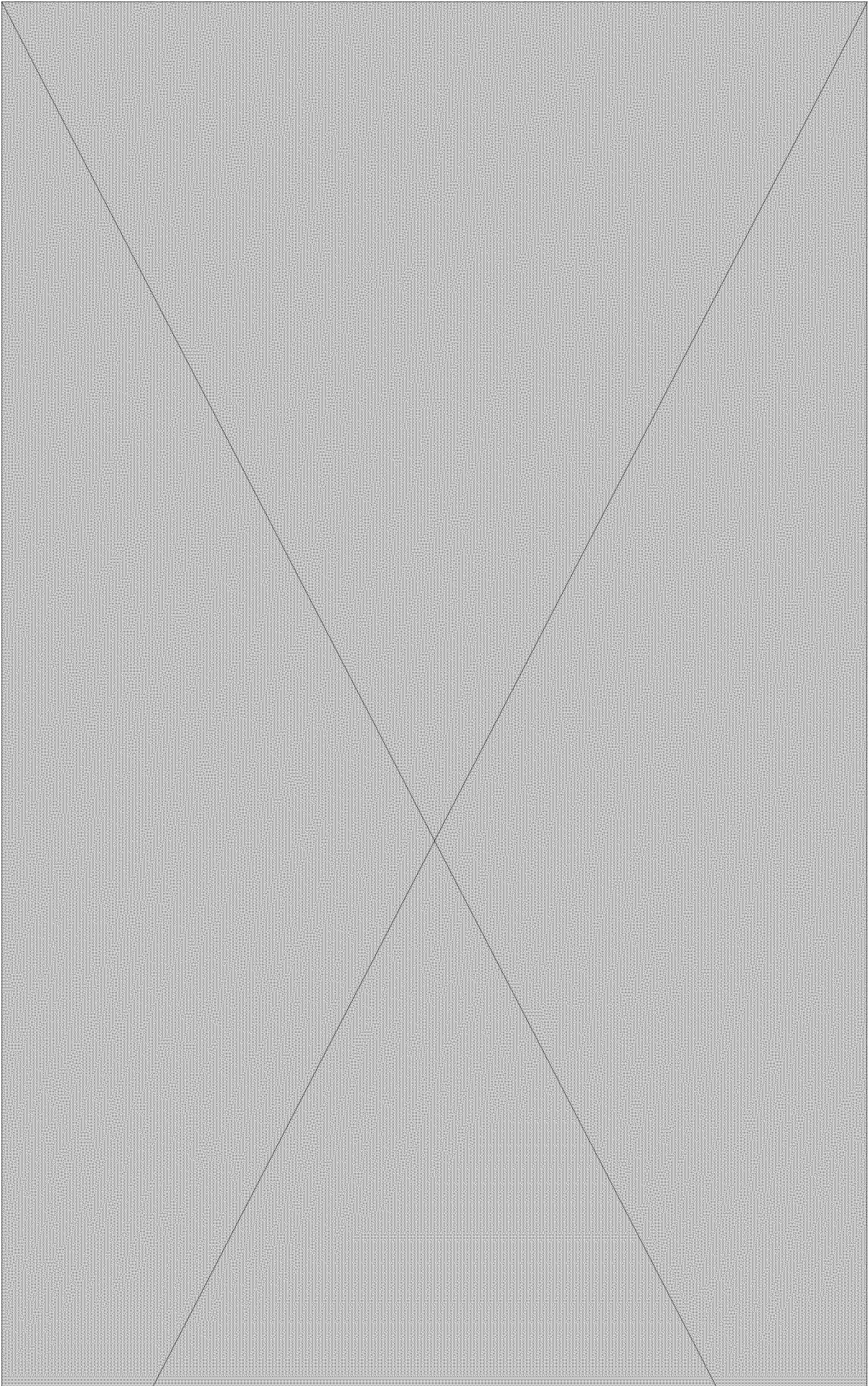
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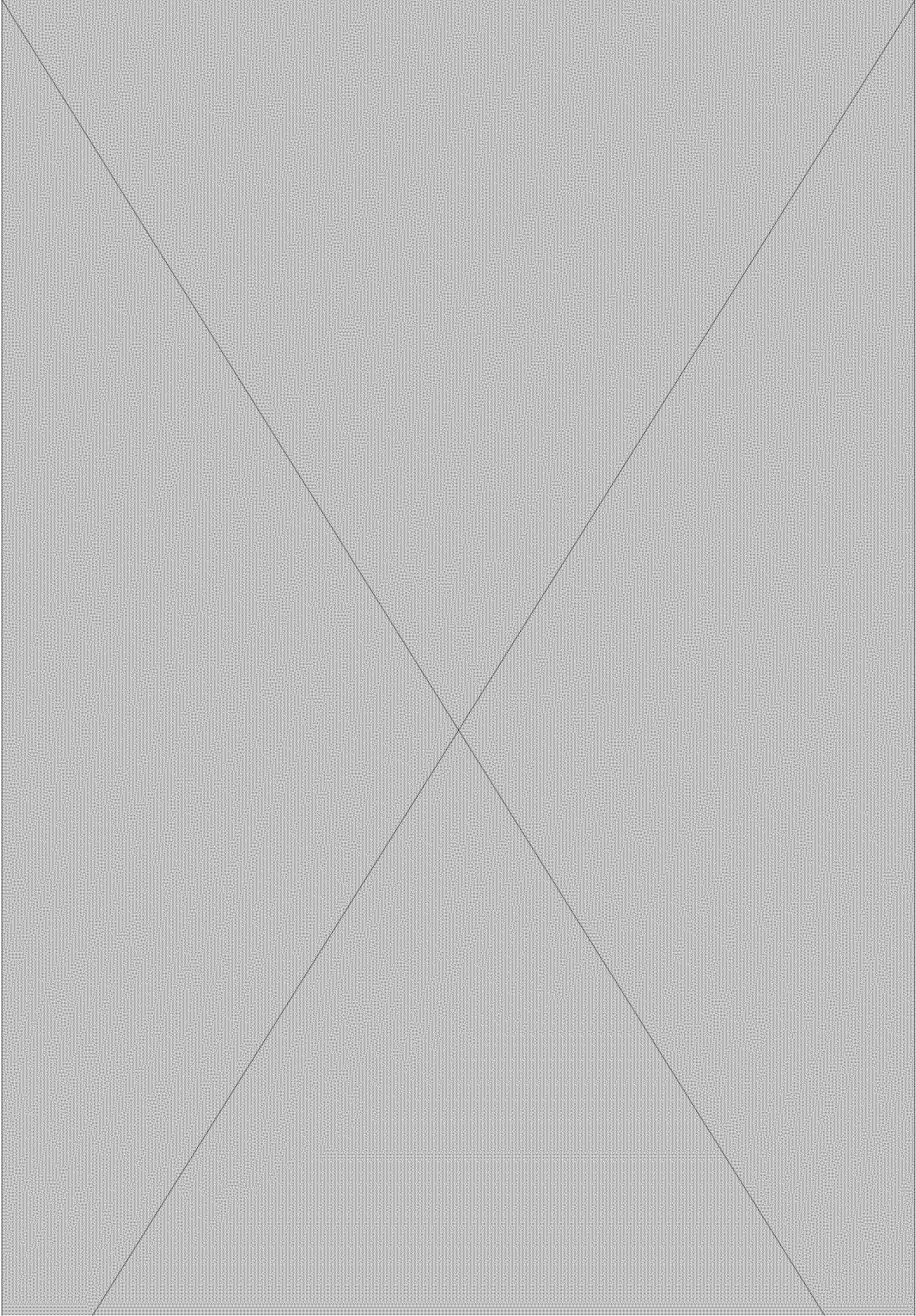
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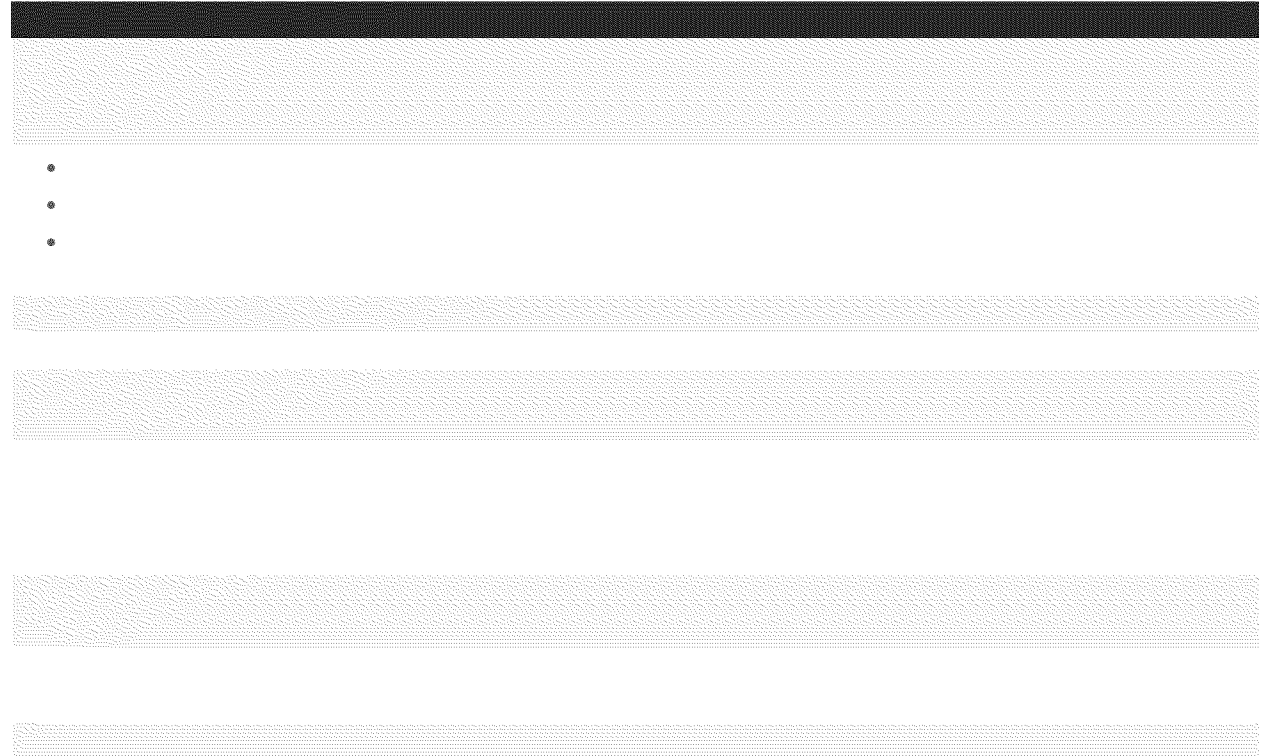


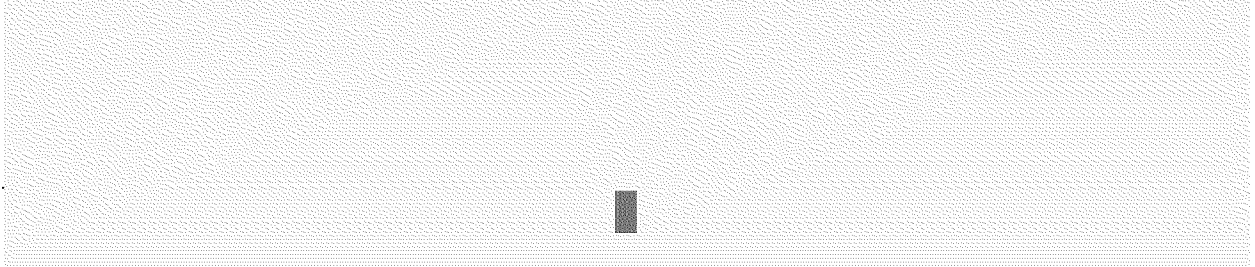


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Sent: Fri 11/10/2017 1:57:15 PM
Subject: Morning Consult Washington, Presented by PhRMA: White House Says Trump Believes Moore Should Step Aside if Allegations Are True





To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Thur 11/9/2017 6:01:35 PM
Subject: Senate Confirms William Wehrum to Lead EPA Air Office

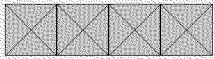
Senate Confirms William Wehrum to Lead EPA Air Office

WASHINGTON (November 9, 2017) – Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt praised the U.S. Senate vote to confirm William (Bill) Wehrum to serve as the Assistant Administrator for EPA's Office of Air and Radiation.

"I want to thank Leader McConnell and Chairman Barrasso for their continued partnership and outstanding leadership with getting Bill confirmed to such an important role at the agency. Bill Wehrum has a long history of public service, including over 30 years working in the environmental field. I look forward to him joining EPA to help us implement our positive environmental agenda and administer programs that ensure that Americans have access to clean air," **said EPA Administrator Scott Pruitt.**

On October 25, 2017, the U.S. Senate Committee on Environment and Public Works, led by U.S. Senator John Barrasso (R-WY) advanced William Wehrum's nomination out of committee.

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Thur 11/9/2017 5:10:53 PM
Subject: EPA Proposes Repeal of Glider Provisions for Heavy-Duty Truck Rule

Administrator Pruitt Advances Effort to Keep EPA within Regulatory Lane with Proposed Repeal of Glider Provisions from Heavy-Duty Truck Rule

WASHINGTON (November 9, 2017) The Environmental Protection Agency (EPA) is proposing to undo the regulatory overreach of the prior administration by repealing application of the Medium- and Heavy-Duty Truck Phase II Greenhouse Gas Emission and Fuel Efficiency Standards for the glider industry. Gliders are a specially manufactured type of heavy duty highway vehicle assembled from newly manufactured kits that include the vehicle's frame and cab, to which a used engine, transmission and axles are added.

"The previous administration attempted to bend the rule of law and expand the reach of the federal government in a way that threatened to put an entire industry of specialized truck manufacturers out of business," **said EPA Administrator Scott Pruitt**. "Accordingly, the Agency is taking comment on an interpretation of the Clean Air Act that recognizes the unique nature of a vehicle made up of both new and used component parts. Gliders not only provide a more affordable option for smaller owners and operators, but also serve as a key economic driver to numerous rural communities."

Due to the unique way that gliders are manufactured, the Agency is proposing that gliders should not be regulated as "new motor vehicles" or "new motor vehicle engines" under section 202(a)(1) of the Clean Air Act. This action does not affect nor propose to affect EPA's authority to address heavy-duty engine rebuilding practices under Clean Air Act section 202(a)(3)(D).

EPA estimates that about 10,000 gliders are manufactured annually, comprising less than five percent of the Class 8 heavy-duty highway truck market.

The public comment period for the proposal will be open through January 5, 2018. EPA will also hold a public hearing on Monday, December 4, 2017 at EPA's Washington, DC headquarters. More information on the proposal, hearing and how to comment: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-greenhouse-gas-emissions-commercial-trucks>

Today's proposal is based on a review of the glider provisions of the Phase II rule. On August 17, 2017, Administrator Pruitt announced the Agency's intent to reconsider the glider provisions of the Phase II rule in response to several petitions for reconsideration. See: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/petitions-reconsideration-phase-2-ghg-emissions-and-fuel>

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From: POLITICO Pro
Sent: Thur 11/2/2017 8:58:27 PM
Subject: Scalise, Hensarling flood insurance deal includes revised penalties for repeat losses

By Zachary Warmbrodt

11/02/2017 04:55 PM EDT

A deal struck between House Majority Whip Steve Scalise (R-La.) and House Financial Services Chairman Jeb Hensarling (R-Texas) to overhaul the National Flood Insurance Program is expected to impose new penalties on homeowners with repeat flooding but less harshly than initially proposed.

The flood insurance package that Hensarling's committee approved in June would target properties that file multiple claims with the flood program and then, depending on the severity of losses, raise their insurance rates or kick them out of the program altogether.

Scalise, who represents a southern Louisiana district where flood insurance affordability is a key issue, had been fighting Hensarling on the proposal.

According to several sources, the revised version of H.R. 2874 (115) will change the timing of potential penalties so that claims counting against a property would begin adding up after the bill's enactment, rather than having the law include losses incurred retroactively.

A property that makes two claims will face a 10 percent annual premium increase, and after making a third would face a 15 percent increase, sources said.

Another revision is expected to be made to a proposal that would have prohibited the program from offering new coverage to properties that received total claims payments exceeding twice their value. The new bill is expected to change the trigger to three times the value of a property.

WHAT'S NEXT: Hensarling has not released the final text of the compromise bill.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/11/scalise-hensarling-flood-insurance-deal-includes-revised-penalties-for-repeat-losses-095149>

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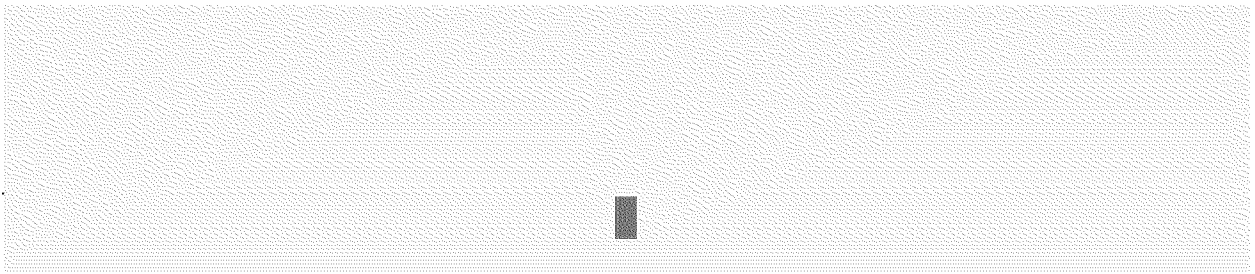
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Sent: Thur 11/2/2017 1:03:36 PM
Subject: Morning Consult Washington, Presented by the National Association of Broadcasters: Trump Says Suspect in NYC Attack 'Should Get Death Penalty'

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: EPA Press Office
Sent: Mon 11/6/2017 4:00:11 PM
Subject: EPA's New Region 8 Boss Off To A Promising Start

Among the other choices are: Jennifer McPartland, a senior scientist of the Environmental Defense Fund; Kari Cutting of the North Dakota Petroleum Council; Tim Wallington of Ford and Bart Croes of the California Air Resources Board.

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MONTANA STANDARD

EPA's New Region 8 Boss Off To A Promising Start

Montana Standard Editorial
November 5, 2017

http://mtstandard.com/opinion/editorial/editorial-epa-s-new-region-boss-off-to-a-promising/article_ce3b2023-257f-591d-95aa-65e80931bafa.html

Since Butte was added to the Superfund National Priorities List in 1983, we've gone through six presidents, 14 EPA administrators (acting and permanent) and more than half a dozen Region 8 EPA administrators.

The latest to sit at the Region 8 desk is Doug Benevento, a Colorado attorney who has been an energy executive and has also run the state's Department of Public Health and Environment.

Fortunately, in the first three weeks of his tenure, he has done precious little sitting. Instead he has been traveling to learn firsthand about EPA's challenges in the region, which are too lengthy to list.

It's no accident that he spent four of his first 16 days in office in Montana. We are pleased to note that he spent intensive time with Gov. Steve Bullock, DEQ boss Tom Livers and their staffs. He also came to Butte this past Wednesday, and made a very good impression. He did not condescend. He came off as self-effacing, sincere and straightforward.

Perhaps the best thing Benevento said during his short visit was that he realized it was too short and is therefore coming back in a couple of weeks.

While that visit will focus more on the considerable issues EPA faces in Anaconda, he did indicate he would also return to Butte. On Nov. 14, The Montana Standard and Restore Our Creek Coalition will co-sponsor a rally at the Covellite Theatre. It should surprise no one that the central message that evening will be: Clean it up. Restore our Creek. Get it done.

We sincerely hope Benevento's return visit will include his presence at this event, which would enable him to hear very directly from the community. We urge him – and you – to attend.

Benevento clearly wishes to communicate clearly and move quickly. He said he hopes to have a Butte Priority Soils consent decree in place by early next year, and if that's not possible, he said, EPA stands ready to enforce the law and move the cleanup along with a unilateral administrative order.

That mirrors EPA Administrator Scott Pruitt's stated intention to move cleanups along more quickly.

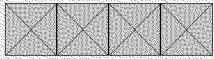
While a burst of speed would certainly be welcome after three decades of glacial Superfund progress, speed alone won't be enough to do right by this town. If speed means taking the cheapest, most expedient path, Butte may never recover.

Any remedy, whether agreed upon by the state, county, EPA and Atlantic Richfield or unilaterally imposed by EPA, must be substantive. In other words, the pollutants must come out of the ground and out of the water. Overbroad "technical impracticability" zones or more "waste in place" patch jobs will not suffice. The quality of Butte's cleanup will define the town's future. A quick "get out of town" deal would be even more harmful than the plodding progress the town has endured so far.

With all of those caveats, Benevento's resolve, forthrightness – and presence in Butte – are all excellent signs. We applaud him for getting his tenure off to a very promising start.

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From: POLITICO Pro Energy Whiteboard
Sent: Fri 5/26/2017 6:17:08 PM
Subject: Cohn: Trump's views on Paris climate deal are 'evolving'

By Andrew Restuccia

05/26/2017 02:10 PM EDT

President Donald Trump's stance on the Paris climate change agreement is evolving after discussing the issue with world leaders at the G-7 summit in Italy, National Economic Council Director Gary Cohn said Friday.

"I think his views are evolving. He came here to learn. He came here to get smarter," Cohn told reporters in Italy. Cohn also said Trump "feels much more knowledgeable on the topic today."

Trump told the G-7 leaders on Friday that he cares about the environment but is concerned about the potential economic impacts of the Paris climate change agreement on the United States.

Trump "listened acutely" to arguments by heads of state that the United States should remain in the Paris agreement, Cohn said.

"He reiterated his views on the environment. He did say, 'The environment is very, very important to me, Donald Trump. I care a lot about the environment,'" Cohn said, quoting the president and adding, "He didn't want anyone to think he didn't care about the environment."

Trump told G-7 leaders that he was concerned that the United States is falling behind India and China in terms of manufacturing and he didn't want to do anything to put the U.S. at a disadvantage.

Pressed by world leaders about when he'll make a final decision on Paris, Cohn quoted Trump, saying, "This is something where I want to get to the right decision. I'd rather take my time."

The text of the expected joint communique is still being written, Cohn said.

"His basis for his decision is ultimately going to be what's best for the United States," Cohn said.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/05/cohn-trumps-views-on-paris-climate-deal-are-evolving-088359>

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From: POLITICO Pro Energy Whiteboard
Sent: Fri 5/26/2017 12:47:03 PM
Subject: Cohn: Trump ready to hear out European leaders on Paris deal

By Eric Wolff

05/26/2017 08:40 AM EDT

President Donald Trump is listening to European leaders as he continues to deliberate over whether to withdraw from the Paris climate agreement, National Economic Council Director Gary Cohn said today.

"I think he's leaning to understand the European position," Cohn said, according to a pool report. "Look as you know from the U.S., there's very strong views on both sides. Both sides are running ads. So he knows that in the U.S. there's very strong opinions on both sides, but he also knows that Paris has important meaning to many of the European leaders. And he wants to clearly hear what the European leaders have to say."

Trump is in Italy today for a two-day meeting of the G-7 leaders. The heads of state from Canada, the U.K., France, Japan, Italy, and Germany will likely dedicate some of their time with Trump to persuading him to stay in the Paris agreement.

Trump's advisers are split over whether he should pull out of the Paris deal or remain part of the agreement while trying to renegotiate the U.S. emissions-reduction pledge.

WHAT'S NEXT: The White House has said Trump would likely make a decision on the agreement after he got home next week.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/05/cohn-trump-ready-to-hear-out-european-leaders-on-paris-deal-088338>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy Whiteboard
Sent: Fri 4/28/2017 1:07:14 PM
Subject: Trump: Paris climate deal 'not a fair situation'

By Andrew Restuccia

04/28/2017 08:45 AM EDT

President Donald Trump said Thursday that he believes the United States is getting a raw deal under the Paris climate change agreement.

In an [interview](#) with Reuters, Trump said countries like China, Russia and India aren't forking over enough money to help poorer countries cope with the effects of climate change.

"It's not a fair situation because they are paying virtually nothing and we are paying massive amounts of money," he said in the interview.

Wealthy nations have pledged to mobilize \$100 billion a year starting in 2020 to help poorer countries deal with climate change. The United States paid \$1 billion to the Green Climate Fund over the last two years, one-third of the total \$3 billion then-President Barack Obama pledged to contribute. But the Trump administration, backed by Republicans in Congress, has called for eliminating funding for climate finance.

China, meanwhile, announced in 2015 that it would spend \$3.1 billion on climate finance.

As POLITICO [reported](#), Trump's advisers couldn't come to a consensus during a Thursday meeting on a recommendation to Trump about how to approach Paris. But there is growing agreement among Trump's top advisers that they want better terms if the U.S. stays.

Secretary of State Rex Tillerson, EPA Administrator Scott Pruitt, Energy Secretary Rick Perry, Treasury Secretary Steven Mnuchin, Attorney General Jeff Sessions and White House aides Jared Kushner, Ivanka Trump and Steve Bannon all attended Thursday's meeting, administration officials said.

WHAT'S NEXT: Trump's advisers are slated to meet again in early May to discuss the Paris deal, and the president said he'll make a decision in "about two weeks" ahead of the G-7 summit in Italy.

To view online:

<https://www.politicopro.com/energy/whiteboard/2017/04/trump-paris-climate-deal-not-a-fair-situation-086953>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro
Sent: Wed 6/14/2017 6:22:39 PM
Subject: Ethanol politics bog down E15 bill

By Eric Wolff

06/14/2017 02:18 PM EDT

A bill to expand sales of gasoline with 15 percent ethanol appears to be stuck on long-running disputes over biofuel policy that may limit its support outside of corn states.

Sen. Tom Carper (Del.), the top Democrat on the Environment and Public Works Committee, said after a hearing today that he will oppose the E15 bill without an amendment addressing "transparency in the RIN market," a reference to the credits refiners must purchase to comply with the Renewable Fuels Standard. Merchant refiners in the Philadelphia area, along with Trump associate Carl Icahn and refining giant Valero, blame high RIN prices for threatening their profits.

Carper also raised concerns about increasing ozone emissions that already plague his state if more E15 were sold, a concern shared by several influential environmental groups. Sen. Tammy Duckworth (Ill.) is the bill's only Democratic co-sponsor on the committee.

Sen. Cory Booker (D-N.J.) did not ask any questions at today's hearing, but afterward he told POLITICO he is in "negotiations" over the bill, declining to offer details. Sen. Deb Fischer (R-Neb.), the lead sponsor of the bill, said she plans to speak to Booker but has not done so yet.

Republicans in the hearing seemed to have staked out their positions, with corn-state senators like Mike Rounds (S.D.), Jerry Moran (Kan.), and Joni Ernst (Iowa) promoting the bill and long-time RFS opponents like Sen. Jim Inhofe (Okla.) and Chairman John Barrasso (Wyo.) criticizing it.

WHAT'S NEXT: Barrasso has said the committee will vote on the E15 bill, but no date has been set.

To view online:

<https://www.politicopro.com/agriculture/whiteboard/2017/06/ethanol-politics-bog-down-e15-bill-089101>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy
Sent: Tue 5/16/2017 9:47:39 AM
Subject: Morning Energy: Advice for EPA on regulatory reform — Trump admin seeks indefinite pause on power plant litigation — More appointees face ethics questions

By Anthony Adragna | 05/16/2017 05:43 AM EDT

With help from Darius Dixon, Ben Lefebvre and Eric Wolff

HELPING TRUMP NAVIGATE THE REGULATORY WEEDS: Amid the daily drama out of President Donald Trump's administration, its deregulatory bonanza has been proceeding relatively smoothly. Business groups and Republicans have cheered Trump's orders for EPA to revisit the Obama administration's highest-profile rules, and now they are venturing deep into the weeds to draw up advice for what Trump and EPA Administrator Scott Pruitt should to go after next. EPA solicited comments through Monday on its effort to comply with Trump's Feb. 24 regulatory reform executive order.

The Edison Electric Institute, which represent investor-owned utilities, outlined a series of technical tweaks it would like to see to a handful of Clean Air Act rules, asked EPA to revise its coal ash disposal guidelines, and called for the withdrawal of several water regulations. But the group does not address in detail the Clean Power Plan or Waters of the U.S. rule, which were the subject of separate executive orders.

In addition to offering its own list of rules for elimination, the U.S. Chamber of Commerce said EPA should change how it writes rules. Whenever possible, EPA should estimate whether its rules create or destroy jobs, and it should change how it calculates both costs and benefits, the Chamber recommended. "Perhaps as important as identifying bad regulations that should be modified or repealed is identifying bad regulatory policy that is embedded in agency programs," the group wrote. Eight Senate EPW Republicans asked the agency to pay special attention to regulations that relied on the social cost of carbon or co-benefits as part of their cost-benefit analyses.

Greens deliver a different set of instructions: Environmental groups like the Natural Resources Defense Council and Rocky Mountain institute called on the EPA to strengthen, rather than withdraw or weaken rules like the Clean Power Plan, fuel efficiency standards, or mercury pollution rules for coal power plants. "I challenge President Trump or Administrator Pruitt to find a public investment with a better rate of return for the American people than the Clean Air Act," NRDC's David Doniger wrote.

EPA SEEKS INDEFINITE PAUSE ON CPP LEGAL FIGHT: The Trump administration and opponents of the Obama-era Clean Power Plan asked a federal appeals court to put litigation challenging the regulation on hold indefinitely Monday, Pro's Alex Guillén reports. Both said remanding the rule to EPA would likely trigger a wave of new litigation, while not touching the issue of whether the power plant carbon regulation violated the Clean Air Act. They argue putting the case on ice indefinitely would allow the agency finish its review of the rule more quickly because it would not take the time and resources to address new legal issues.

Proponents seek ruling: Environmentalists, states that support the Clean Power Plan, clean energy groups and several utilities said their preference would be for the court to actually issue its ruling, noting there are several major legal questions the courts likely will need to answer at some point. Environmental groups strongly opposed keeping the Supreme Court stay of the regulation in place indefinitely, arguing it would "convert temporary enforcement relief pending judicial review into a long-term suspension of the Clean Power Plan, without any court having issued a decision on its legal merits and without following the administrative steps necessary to amend, suspend or withdraw a regulation."

Meanwhile, similar briefs were filed by EPA and its challengers in urging the court to keep an indefinite hold on litigation challenging another regulation placing carbon dioxide emissions on future power plants. Environmental groups, supportive states and pro-rule utilities said they would like to see this case continued through arguments and a decision by the court, but voiced no preference over remand versus abeyance if the litigation doesn't continue right away.

PSA: EPA launched a new website Monday for information on its reconsideration of the Obama administration's waters of the U.S. regulation. It replaces the website used during the 2015 rulemaking. "This website aims to provide the public with information about our actions to meet the president's directive," Pruitt said in a statement.

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and Boyden Gray & Associates' Andrew Varcoe was first to identify Hawaii, Texas and Vermont as three states that were previously independent countries (though the National Propane Gas Association's Jeffrey Petrash correctly notes California was an unrecognized independent country for 26 days back in 1846). For today: Speaking of the Golden State, what was California's original capital? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AntonyAdragna), [@Morning_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

NEW MOVES FROM VIRGINIA ON CLIMATE ACTION? Gov. Terry McAuliffe will today make a significant announcement regarding the work of an advisory group looking at ways Virginia could reduce its carbon emissions at 11:30 a.m. in Alexandria, his spokesman tells ME. That comes on the heels of state Attorney General Mark Herring's advisory legal opinion last week that the Virginia State Air Pollution Control Board already has the authority to regulate carbon dioxide emissions via a cap on emissions from new and future power plants in the state. The moves suggest the state is preparing further efforts to address climate change even as the Trump administration halts and prepares to roll back federal efforts like the Clean Power Plan. The opinion did note that the Board had so far only regulated greenhouse gases via a limited permitting program.

MORE ETHICAL QUESTIONS AT EPA: Democratic Sens. Sheldon Whitehouse and Jeff Merkley are sending a letter this morning to Pruitt questioning how Elizabeth Bennett can serve as deputy associate administrator for intergovernmental relations given her prior lobbying work on a host of EPA issues with the National Rural Electric Cooperative Association. "Even if EPA were to determine some small subset of issues from which Ms. Bennett's prior lobbying does not disqualify her, installing someone who has lobbied for an organization that has attacked EPA's

efforts under both Republican and Democratic administrations as a public liaison for EPA suggests you have little regard for EPA's standing and reputation before Congress or the communities in which it works to protect public health," they wrote. The Trump administration's ethics pledge bars appointees from participating in any matter on which they previously lobbied for the first two years of government service.

LINE DRAWN ON EPA NOMINEES: Senate EPW ranking member Tom Carper says he's only received responses to two of the 15 letters he's sent to Pruitt for oversight and threatened to hold up other nominees without answers. "During his own confirmation process, Mr. Pruitt assured our committee that he would be responsive to members' inquiries," Carper told ME in a statement. "Before we move any additional nominees, Mr. Pruitt should commit to replying to this committee's requests and providing the answers he assured us he would."

UTILITY SHAREHOLDERS TO WEIGH CLIMATE MOTION: FirstEnergy Corp. shareholders are set to hold their annual meeting this morning and vote on a suite of proposals, including one suggesting the utility produce a report on "its strategy for aligning business operations" with the Paris Agreement. "FirstEnergy's commitment to coal has destroyed shareholder value for years," the proposal, Item 10, from corporate responsibility group As You Sow states. "FirstEnergy adopted a commendable carbon target, but has not identified a path to achieving it, and its management remains focused on coal." As You Sow has unsuccessfully targeted other utilities with climate-related shareholder votes. FirstEnergy has urged opposition, calling the request "an onerous task."

But it's not without supporters. California's CalPERS, the nation's largest state public pension fund and owner of about 1.687 million FirstEnergy shares, has pressed other shareholders to back the proposal, which needs to crack 50 percent for the company to take the request "under advisement." The meeting starts at 8 a.m. in Akron, Ohio.

STILL WAITING: Sen. Robert Menendez has not received a satisfactory Treasury response on Russian oil firm Rosneft possibly acquiring a controlling stake of several refineries, his staff tells ME. Menendez in April flagged reports that CITGO owner PdVSA — owned by the increasingly shaky Venezuelan government — had put shares up for collateral on a loan from Rosneft. The Foreign Relations senior senator asked Treasury Secretary Steven Mnuchin to review the possibility of Russian control of three major refineries and several pipeline networks. Menendez will bring the matter up during Wednesday's hearings for Trump nominees to Treasury posts, his office said.

PJM DEFENDS STORAGE RULES: PJM Interconnection defended its new performance requirements for electricity storage projects in a Monday filing with FERC, arguing it had used its power to protect grid operations, Pro's Esther Whieldon reports. That came in response to complaints from the Energy Storage Association and two electric storage developers that accused PJM of discriminating against storage technologies by requiring them to operate for longer periods than they were designed for. But PJM said those actions "were reasonably within" its discretion.

MEET AND GREET: Ninety members of the National Association of Chemical Distributors

are in D.C. today for meetings with various congressional offices, as well as agencies like EPA, FDA and DHS. They'll also be pushing for passage of Sen. [James Lankford's Truth in Regulations Act](#) (S.580), which establishes guidelines for the issuance of guidance documents from federal agencies.

REPORT: FOREST SERVICE DEPLETED AS THREATS INCREASE: The number of Forest Service law enforcement officers on duty at national forests has dropped one-sixth since 2010, and special agents have decreased by one-fifth over the same period, according to [data](#) released by Public Employees for Environmental Responsibility. That comes as [reported threats and assaults](#) against personnel jumped by nearly one-third, from 155 to 204, during 2016. "From what employees tell us even these figures under-report what is really going on out in the field," Kirsten Stade, PEER's advocacy director, said in a statement.

THAT'S A LOTTA MARCHERS: Approximately 1.07 million people worldwide participated in various events around the March for Science on Earth Day, according to [figures](#) the organization released Monday. Those include 100,000 estimated marchers in Washington, 70,000 people in Boston, 60,000 attendees in Chicago and 50,000 participants in both San Francisco and Los Angeles.

MAIL CALL! DON'T REOPEN OFFSHORE DRILLING: More than 100 House members, led by [Don Beyer](#), sent a [letter](#) to Interior Secretary Ryan Zinke Monday urging him not to reopen the Atlantic and Pacific oceans to new oil and gas drilling leases. "We do not believe that new oil and gas exploration or production activity in the Atlantic and Pacific Outer Continental Shelf is compatible with the sustainable coastal economies on which so many of our constituents and communities depend," the letter says. Three Republicans — [Frank LoBiondo](#), [Dave Reichert](#) and [Mark Sanford](#) — signed onto the plea.

MOVER, SHAKER: Robert Dillon, who ME readers likely remember helmed communications at the Energy and Natural Resources Committee for years, is headed back to Capitol Hill. He starts as communications director for Rep. [Kay Granger](#) this week; he was most recently with the American Council for Capital Formation.

Nathan Ohle has been named the new executive director of the Rural Community Assistance Partnership, which helps ensure safe drinking water and sanitary wastewater disposal to rural communities. He was recently senior advisor at the U.S. Economic Development Administration during the Obama administration.

Michael Parr has been named next president of American Bird Conservancy beginning June 1; he's currently the group's chief conservation officer.

QUICK HITS

— Bets on OPEC Rally Are Gone and That May Be Good for Crude. [Bloomberg](#).

— On his fifth day in power, South Korea's new president shut down 10 big coal-power plants. [Quartz](#).

— Former SolarCity CEO Lyndon Rive will leave Tesla. [Reuters](#).

— Rick Perry provides DNA, joins big data initiative. [Houston Chronicle](#).

— Murphy, Democratic front-runner, earned from pipeline companies he now opposes. [NorthJersey.com](#).

— Miss D.C. Kara McCullough, the new Miss USA, has a super-serious job. [Washington Post](#).

HAPPENING TODAY

8:30 a.m. — "Distorting Financial Markets: The Role of Disclosure, Sustainability and the Importance of Materiality," U.S. Chamber of Commerce, 1615 H St. NW

10:30 a.m. — Business groups presentation on advanced and renewable energy, Arnold & Porter Kaye Scholer LLP, 601 Massachusetts Ave. NW, 10th floor, conference room #10340

12:00 p.m. — Natural Gas Roundtable featuring New York Commissioner Diane Burman, American Gas Association, University Club, 1135 16th St. NW

3:15 p.m. — "[Leveraging Federal Funding: Innovative Solutions for Infrastructure](#)," Senate Environment and Public Works Subcommittee on Transportation and Infrastructure, 406 Dirksen

6:30 p.m. — "[Sustainable Profit: Investment Opportunities in a Changing Climate](#)," Harvard Business School Club, US Trust Penthouse, 730 15th Street NW

THAT'S ALL FOR ME!

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/05/advice-for-epa-on-regulatory-reform-022845>

Stories from POLITICO Pro

Trump EPA urges court to keep climate rule lawsuit on hold [Back](#)

By Alex Guillén | 05/15/2017 05:02 PM EDT

The Trump administration and the states and companies seeking to quash the Obama EPA's Clean Power Plan told a federal court Monday they want to keep the lawsuit over that landmark climate rule on hold indefinitely.

They argue a freeze would be preferable to a court decision to send the rule back to EPA without deciding on the whether the power plant carbon regulations violated the Clean Air Act. And they say that remanding the rule to the agency to review would just lead to headache-inducing

quagmires for EPA and the court.

If the court remands the rule, its opponents might file new lawsuits to preserve their legal claims, while environmentalists could challenge any EPA attempt to set new compliance deadlines.

Keeping the case on hold would also allow EPA to finish its review of the rule more quickly because it would not have to divert resources to addressing those new legal issues, the administration added.

"These consequences can be — and manifestly should be — avoided by continuing to hold this litigation in abeyance," EPA wrote in its brief.

EPA received back-up from the Clean Power Plan's opponents, who made similar arguments in their own brief.

When the D.C. Circuit Court of Appeals issued its 60-day stay last month, the judges asked all sides to weigh in on whether to keep the case on ice indefinitely — which could be a long time given the years that are likely needed to repeal the Clean Power Plan and resolve subsequent litigation — or send the rule back to EPA right now, without rendering a decision on its legality.

The rule's supporters, however, would prefer a third path.

Environmentalists, states that support the Clean Power Plan, clean energy groups and several utilities noted their first choice would actually be for the court to issue its ruling.

Those groups were likely buoyed by EPA's strong showing at oral arguments last year. After watching seven hours of arguments, many observers predicted EPA would prevail on most of the legal issues, though a win for the Clean Power Plan was not guaranteed.

Plus, green groups argue, there are several major legal questions the courts likely will need to answer at some point no matter what the Trump administration does now. That includes whether EPA can achieve emissions reductions through "fuel switching," also known as EPA's "beyond the fence line" approach. The court could also weigh in on the so-called 112 Exclusion, which the rule's challengers argued should prevent EPA from regulating in this manner, no matter the details.

But the court's order seeking opinions on remand versus abeyance indicate that the judges are no longer interested in issuing a ruling.

In that case, environmental groups argued, keeping the Supreme Court stay in place would "convert temporary enforcement relief pending judicial review into a long-term suspension of the Clean Power Plan, without any court having issued a decision on its legal merits and without following the administrative steps necessary to amend, suspend or withdraw a regulation."

Meanwhile, EPA and its challengers made similar arguments urging the court to maintain its hold on lawsuits over the Clean Power Plan's sister regulation that sets emissions limits for future

power plants, also known as the 111(b) rule or the new source performance standard.

That case was on a slower judicial track than the CPP. All sides had completed briefing, but last month the Trump administration convinced the court to delay arguments.

Meanwhile, [environmental groups](#), [supportive states](#) and [pro-rule utilities](#) said they would like to see this case continued through arguments and a decision by the court, but that in lieu of that they have no preference over remand versus abeyance.

Although the Clean Power Plan was stayed, the future plant rule has been in effect since it was released in 2015, and neither option would hurt its "effectiveness during any period of review by the new administration," environmentalists argued.

The court has no strict deadline to decide what to do. It has paused the lawsuits challenging both rules through June 27, but is under no obligation to act before then.

To view online [click here](#).

[Back](#)

PJM defends electricity storage performance rules [Back](#)

By Esther Whieldon | 05/15/2017 05:56 PM EDT

The operator of the PJM regional power market today defended its new performance requirements for electricity storage projects, arguing it had used its power to protect grid operations.

In a [filing](#) with FERC, PJM Interconnection responded to [complaints](#) from the Energy Storage Association and two electric storage developers that accused PJM of discriminating against storage technologies by requiring them to operate for longer periods than they were designed for. The companies and ESA argued PJM should have first obtained FERC's permission.

But PJM argues its actions "were reasonably within" its discretion.

"PJM must have the flexibility to change such operational protocols and technical implementation details as needed to maintain reliability and effectively operate the bulk power system," it said in the filing. Not being able to act as the need arises could damage generators' electrical equipment and possibly even trigger power outages, PJM said.

PJM also said that since it implemented the requirements, it had not seen a significant drop of electricity storage sources in the market, and that the companies operating those projects were simply trying to "obtain revenue certainty at the expense of impeding necessary operational changes."

PJM has been one of the biggest markets for battery storage technology in the U.S., and FERC is considering a rulemaking that would direct regional markets to find better ways to include the technologies.

WHAT'S NEXT: The commission cannot act on the complaints until its quorum is restored, which will not occur until President Donald Trump's two new nominees are confirmed by the Senate.

To view online [click here](#).

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Storage industry seeks FERC intervention in mid-Atlantic power market [Back](#)

By Esther Whieldon | 04/20/2017 03:40 PM EDT

The Energy Storage Association and two electric storage developers have accused the operator of the mid-Atlantic regional power market of discriminating against storage technologies by requiring them to operate for longer periods than they were designed for.

In a pair of recent complaints, ESA, Renewable Energy Systems Americas and Invenergy Storage Development LLC asked FERC to direct PJM Interconnection to revoke a policy it put in place in January that effectively asks battery storage technologies to provide services beyond the short-term, 15-minute grid management services they have provided under prior rules.

PJM made the changes to help manage an increasingly turbulent grid as more power plants retire and renewable generation comes online. But the developers say they should not be made to bear the brunt of those challenges.

If PJM continues to make it "harder for energy-neutral storage resources to operate, [storage project owners] will need to either modify their technology at significant and very likely prohibitive cost, or no longer participate in the regulation market — the market for which they were specifically designed," Invenergy and Renewable Energy Systems Americas said in a joint [filing](#).

PJM has been one of the biggest markets for battery storage technology in the U.S. and FERC is considering a rulemaking that would direct regional markets to find better ways to include energy storage technologies. But the agency's lack of a quorum means it cannot finalize the rule nor act on the storage industry's new complaints for the foreseeable future.

WHAT'S NEXT: FERC will be accepting comments on ESA's [complaint](#) through May 15, and PJM today asked the commission to set the same comment deadline for the developers' filing.

To view online [click here](#).

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro
Sent: Fri 5/12/2017 12:49:17 PM
Subject: EPA sends RFS volumes to OMB

By Eric Wolff

05/12/2017 08:33 AM EDT

EPA on Thursday submitted its proposed 2018 biofuels requirements to the White House for review.

EPA will need the rule back from OMB by early June if it is to release a final rule on time by Nov. 30.

Sources have told POLITICO the mandate would require blending of 15 billion gallons of conventional biofuel, usually filled by corn-based ethanol, based on Energy Information Administration forecasts of continued increase in gasoline demand next year. They also said the agency was unlikely to address the question of which companies must bear the obligation for complying with the program as part of the volumes rule.

WHAT'S NEXT: OMB will take meetings with oil and biofuels interests and possibly adjust the rule before proposal.

To view online:

<https://www.politicopro.com/agriculture/whiteboard/2017/05/epa-sends-rfs-volumes-to-omb-087647>

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To: Dravis, Samantha[dravis.samantha@epa.gov]
From: POLITICO Pro Energy
Sent: Tue 5/2/2017 9:47:22 AM
Subject: Morning Energy: Methane CRA's fate remains unclear as time runs down — LaFleur queries New England states on market options — House subpanel tackles monument designations

By Anthony Adragna | 05/02/2017 05:43 AM EDT

With help from Jason Huffman and Annie Snider

METHANE CRA PICTURE REMAINS FUZZY: There's little more than a week left for Congress to nullify Obama-era regulations using the Congressional Review Act, but whether the Senate will be able to ax a BLM rule targeting methane emissions from oil and gas drilling on public lands remains as hazy as ever. Sen. [John Barrasso](#) said last week he was confident his resolution to block the rule would pass, but he doesn't yet appear to have the 50 votes he needs (with Vice President Mike Pence breaking the tie) firmly locked down. Environmentalists and Senate aides hoping to defeat the resolution are eyeing four publicly undecided senators — Democrat [Heidi Heitkamp](#) and Republicans [Rob Portman](#), [Cory Gardner](#) and [Dean Heller](#). (Don't forget, Sens. [Lindsey Graham](#) and [Susan Collins](#) have already signaled their opposition, so Barrasso could only afford to lose one more vote.)

"There are a few key players who have not yet declared their intentions," Robert Dillon, vice president of communications with the American Council for Capital Formation, a big CRA backer, told ME. "The whip operation continues and we continue to encourage members to vote for the CRA." Both Gardner and Portman told ME they were undecided late Monday, and Heather Taylor-Miesle, executive director of the Ohio Environmental Council, said the grassroots continued to push Portman against the resolution: "We had 5,000 people attend a tele-townhall on the issue last week here in Ohio so we know that people are concerned and want the senator to fiercely oppose any efforts to stop the methane rule," she told ME. A spokesman for Senate Majority Leader [Mitch McConnell](#) declined to comment on the CRA's timing, though ME hears rumblings it could slip until next week.

That comes as a former top Interior official sent [a letter](#) to Senate leadership warning "repealing this rule through the CRA will impair, if not eliminate altogether, BLM's ability to promote recapture of wasted gas" without Congress stepping in with new legislation. John Leshy, who served as the agency's solicitor from 1993-2001, warned: "Using the blunt instrument of the CRA might make a nice headline, but it could also forever insulate the industry from meaningful, effective regulation on this important subject, unless the Congress could muster the political will to provide new authority in new legislation."

LET'S MAKE A DEAL? Day two of FERC's much-watched [technical conference](#) kicks off today at 9 a.m., one day after Acting FERC Chairman Cheryl LaFleur questioned whether New England grid members would be able to reach an agreement with the agency to adapt the wholesale markets to their individual power generation goals by overcoming differences between state energy policy goals, Pro's Esther Whieldon [reports](#). States appear to want FERC to help keep power plants online and offer incentives for new plants to ensure grid reliability, but don't want interference in their policy goals or to be on the hook for subsidizing other states' efforts.

LaFleur noted some state officials had expressed a "lack of trust in FERC solutions."

That comes as New York state Democrats hammered Gov. Andrew Cuomo's top energy officials Monday about a nuclear subsidy for upstate plants, questioning its \$1 billion cost in the first two years, whether enough alternatives were considered and why downstate ratepayers are footing the bill, POLITICO New York's Marie J. French [reports](#).

WELCOME TO TUESDAY! I'm your host Anthony Adragna, and LCV President Gene Karpinski was the first of many to identify Chris Dudley as the NBA player-turned Republican Oregon gubernatorial nominee. For today: What former professional basketball player later chaired the House Natural Resources Committee? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#), and [@POLITICOPro](#).

GUIDE TO FEDERAL BUDGET & APPROPRIATIONS PROCESS: The federal budget process is complicated; brush up on your knowledge so you're ready to act as the budget winds its way through Congress. [Download your guide](#).

HEARING TO TARGET 'WORST OF THE WORST' OBAMA LAND, SEA GRABS: Ranchers, lumber companies and commercial fishing operations will all be watching closely this morning when a House Natural Resources Committee panel paints a bull's eye on what Chairman [Rob Bishop](#)'s office describes as the "worst of the worst" examples of President Barack Obama's "excessive use" of the Antiquities Act to lock up more than 550 million acres of land and water with national monument designations. Among the areas to get attention: Bears Ears, in Bishop's home state of Utah; Katahdin Woods and Waters in Maine; Cascade-Siskiyou in Southern Oregon and Northern California; and Northeast Canyons and Seamounts Marine Monument off the coast of New England.

The [event](#), which will feature four witnesses, including Maine Gov. Paul LePage, builds off President Donald Trump's [executive order](#) to have Interior review two dozen national monuments created since Jan. 1, 1996. It kicks off at 10 a.m. in Longworth 1324. [Here's](#) a background memo.

Groups oppose any rollbacks: An eclectic group of 450 organizations, ranging from the NAACP to Patagonia to the Center for American Progress, is sending a [letter](#) today to Trump, Interior Secretary Ryan Zinke and Commerce Secretary Wilbur Ross urging them to oppose "any efforts to remove or decrease protections for any national monuments." They'll present it at a 9:30 a.m. press conference held by House Natural Resources Ranking Member [Raul Grijalva](#) ahead of the hearing.

OOPS: Trump's EPA team appears to have left up the agency's climate change page in Spanish, after removing the English-language version as part of a larger overhaul announced Friday night. Link [here](#) and [a screenshot](#) if it goes away.

AND... WE'RE OFF! Speaking at a Consumer Energy Alliance event in Houston, Zinke signed a [secretarial order](#) Monday directing BOEM to start a review of the agency's five-year plan for

offering oil and gas leases in federally controlled waters, Pro's Esther Whieldon reports. "We're going to look at everything," Zinke said of the review, which he said previously could take two years. He also complied with Trump's directive to review the well control rule for offshore drilling.

Ally nabs new Interior position: Zinke announced Vincent DeVito, the treasurer of his former congressional leadership PAC, would be in charge of coordinating the agency's energy policies across its nine bureaus, Esther reports. "We have to look at ourselves through to make sure we're streamlined and our regulations aren't arbitrary," Zinke said. It's a newly created position that will not require Senate confirmation.

For your radar: Zinke is delivering remarks at 9:15 a.m. at the National Tribal Energy Summit at the JW Marriott Washington.

BEACHHEAD MEMBER GETS BIGGER DOE ROLE: Daniel Simmons, a former vice president for policy at the libertarian-leaning IER, today becomes acting assistant secretary for the Office of Energy Efficiency and Renewable Energy, Pro's Darius Dixon reports. Simmons can only hold the position on a temporary basis without being nominated and confirmed by the Senate.

MAIL CALL! LET'S HATCH A PLAN, MR. PRUITT: Four Senate EPW Democrats — Tom Carper, Sheldon Whitehouse, Ed Markey and Jeff Merkley — sent a letter to EPA Administrator Scott Pruitt Monday seeking documents concerning the administrator's decision last week to pull out of an Oklahoma Republican Party gala. They also asked Pruitt to describe what steps he'll take to comply with the Hatch Act, which aims to stop federal workers from politicking while on duty, going forward.

SCHUMER HIGHLIGHTS EPA PROTECTION IN OMNIBUS: Senate Minority Leader Chuck Schumer touted two key Democratic omnibus victories Monday: the preservation of 99 percent of EPA's budget "so their quest to keep our water and air clean will be able to continue" and the permanent extension of health benefits for coal miners. He praised West Virginia Sen. Joe Manchin as "relentless, even after disappointment after disappointment, at holding the Senate's feet to the fire and making sure this was done." Speaking of which, ME's never seen anything quite like this before: A letter from Speaker Paul Ryan praising Rep. David McKinley for his "relentless" efforts at securing the compromise.

DRINKING WATER VIOLATIONS ARE DE RIGUEUR: Roughly a quarter of all Americans are served by drinking water systems that violated federal drinking water standards in 2015, according to a report out later today from the Natural Resources Defense Council. The report, which calls for greater enforcement and investment in the drinking water sector, found nearly 80,000 violations at systems across the country, with small, rural systems accounting for more than half of those.

No cop on the beat: As last year's failure in Flint, Mich., illustrated, EPA and states are loath to penalize water systems that violate the law. The NRDC report found that nine out of 10 violations were faced no formal action, and just 3.3 percent resulted in financial penalties.

COMMENTS READY? EPA's water office will hold a 3-hour-long virtual public listening session today as it solicits suggestions for regulations to scrap, change or replace. With two weeks left until the formal comment deadline, more than 35,000 public comments have rolled in to the docket.

SEE YOU IN COURT! A group of children seeking to force the federal government to take drastic action on climate change should be allowed to make their case in court, a magistrate judge assisting with the case recommended Monday. As Pro's Alex Guillén reports, the Trump administration asked a federal district court judge in March to allow the 9th Circuit Court of Appeals to consider tossing the case before it went to trial before her. District Court Judge Ann Aiken must now decide whether to agree with Magistrate Judge Thomas Coffin's recommendation or give her blessing to the Trump administration's early appeal effort.

WORK BEGINS ON COAL ASH GUIDANCE: EPA is currently working on the needed guidance to review and approve states' coal ash permitting programs, Administrator Scott Pruitt wrote in a letter to Nevada Gov. Brian Sandoval. As Pro's Alex Guillén reports, a December water infrastructure package included a coal ash compromise that shifted permitting responsibilities to the states, which must first get EPA approval of their programs' broad contours, while the agency gained more enforcement powers and other concessions.

DID YA GET THAT MEMO? Sen. Claire McCaskill sent a letter to Energy Secretary Rick Perry seeking information about how his agency is addressing concerns raised in a GAO report about its ability to identify and prevent contracting fraud. "Oversight challenges with management of fraud risk and improper payments exist across the DOE complex," she wrote. "It is apparent that the risk is actually unknown because DOE does not adequately assess or oversee it." The Energy Department "generally concurred" with a series of the GAO recommendations, but nevertheless rated its fraud risk as "low" and disagreed with a number of the report's conclusions.

STATES RATE TOP ENVIRONMENTAL RESEARCH NEEDS: Top environmental and public health challenges for states include water quality, remediation of contaminated sites, and nutrient and nonpoint water contamination, according to a survey of state needs released Monday by the Environmental Council of the States.

RECORDS SOUGHT OF NOAA CHAT RECORDS: The Cause of Action Institute has filed a FOIA request seeking NOAA employee communications during a recent New England Fishery Management Council meeting April 18-20. "CoA Institute is concerned that NOAA may be unlawfully destroying records of these communications," the request said. That's because it appears certain Google Chat records may not have been retained. The FOIA marks the latest attempt to seek records of chat communications from federal employees.

McKIBBEN GETS ACADEMIC TREATMENT: There's now a full-length academic paper looking at the role of Bill McKibben on the U.S. climate debate. It concludes that while divestment itself achieved "little traction," previously marginalized liberal policy ideas "gained increased attention and legitimacy."

Meanwhile, the Independent Petroleum Association of America is promoting another paper that attempts to quantify the costs of divestment to students and faculty at both public and private institutions.

MOVER, SHAKER: Christopher Smith, former assistant secretary for fossil energy at DOE under President Obama, has been named Baker Institute Advisory Board Fellow in Energy Studies at Rice University's Baker Institute for Public Policy.

QUICK HITS

- 50 percent of US coal jobs are in just 25 counties. Quartz.
- Britain's energy supply is in jeopardy after Brexit, warn MPs. Guardian.
- Top Ethics Officer Challenges Trump Over Secret Waivers for Ex-Lobbyists. New York Times.
- Unions praise McConnell for deal to fix health benefits of retired miners. Lexington Herald-Leader.
- Big short position on biofuels generated profit for Icahn's refiner. Reuters.
- Oil Price Optimism Wears Off as Texas Wildcatters Drill On. Bloomberg.

HAPPENING TUESDAY

10:00 a.m. — "Consequences of Executive Branch Overreach of the Antiquities Act," House Natural Resources Subcommittee on Federal Lands, 1324 Longworth

10:00 a.m. — Senate Energy and Natural Resources Committee hearing on federal lands, 366 Dirksen

12:00 p.m. — "Nuclear for the Next Generation," The Nuclear Energy Institute and Partnership for Global Security, National Press Club, 529 14th St. NW

12:00 p.m. — Alston & Bird panel on pharmaceutical waste, 950 F Street NW

1:00 p.m. — "Tipping Points in Global Environmental Policy," World Resources Institute, James A. Harmon Conference Center, 10 G Street NE, Suite 800

THAT'S ALL FOR ME!

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/05/methane-cras-fate-remains-unclear-as-time-runs-down-022622>

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FERC's LaFleur presses New England states on market options [Back](#)

By Esther Whieldon | 05/01/2017 06:15 PM EDT

Acting FERC Chairman Cheryl LaFleur Monday questioned whether the New England grid members could overcome their state policy differences and cut a deal with FERC to adapt the wholesale markets to their individual power generation goals.

Some of the ISO New England states have required their utilities to purchase renewable energy from wind farms or hydroelectric plants, and Connecticut is considering mandates to support its nuclear power plants. Those requirements have jolted the wholesale power markets — potentially forcing FERC to step in with new market rules to mitigate the price impacts, or back down and allow the state subsidies that could push some fossil fuel plants into retirement.

LaFleur noted that the state officials who were participating in Monday's discussions or sent in comments had expressed a "lack of trust in FERC solutions." While the states want the wholesale market to help keep power plants online and offer incentives for new plants to ensure grid reliability, they don't want the market to interfere with their policy goals.

"Do you think there's a way to define what the states want and price it, or do the states want by definition the ability to chose?" LaFleur said.

"There's a lot of value in having ISO run markets," said Jeffrey Bentz, director of analysis for the New England States Committee on Electricity, a group that represents the governor of the six New England states. But states are still undecided on what they want more broadly, he said. "We get that question, we have to answer it. The ball's in our court," he said.

Bentz and officials from New Hampshire and Connecticut said in addition to their wariness over FERC rule changes, cost is an issue, since they did not want their consumers to be subsidizing policy goals in other states.

"What I want is not to pay for Massachusetts' and Connecticut's policies, bluntly, so that shows you the dynamic there," said Robert Scott, a commissioner on the New Hampshire Public Utilities Commission.

"I'll agree with you there actually," said Rob Klee, a commissioner of Connecticut's Department of Energy and Environmental Protection.

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Assembly Democrats not satisfied with administration's answers on nuclear subsidy [Back](#)

By Marie J. French | 05/01/2017 05:27 PM EDT

ALBANY — Assembly Democrats hammered Gov. Andrew Cuomo's top energy officials during a hearing on Monday about a subsidy for upstate nuclear plants that took effect a month ago.

The lawmakers questioned whether the cost — about \$1 billion in the first two years — is necessary, what alternatives were considered and why downstate ratepayers are footing the bill.

Not all of those questions were satisfactorily answered, said Assemblyman Jeffrey Dinowitz, who chairs the Corporations, Authorities and Commissions Committee. Dinowitz has raised concerns about Exelon, which operates the plants, making a profit from the subsidy, as opposed to the funds being used for operational costs to keep the plants open.

He said his questions about that possibility were not answered by interim Public Service Commission chair Gregg Sayre.

"He didn't have a number," Dinowitz said. "It's a bailout. There's no debate about that, the question is how big the bailout is and we don't have the answer on that. That's what I wanted to know ... How much is going directly into the pockets of the company?"

Sayre pointed to Exelon's contention that it needed \$50 per megawatt hour to make operating the plants viable. The combined price of the zero emissions credits and expected revenues for the first two years of the subsidy is slightly lower than that — about \$48 per megawatt hour.

Dinowitz pressed the point with Sayre, asking how much would be profit.

"We don't know exactly how much is profit," Sayre said, adding as Dinowitz continued his questioning, "We don't have a dollar amount."

The subsidy helps keep open four upstate nuclear reactors, three of which were in danger of closing. It was approved in August as part of the state's Clean Energy Standard, which mandates that the state get to 50 percent renewable electricity by 2030. Ratepayers around the state began paying for the zero emissions credits, or ZECs, in April.

The subsidy has been challenged in court by competing generators and an environmental group.

As lawmakers pushed for answers Monday, Cuomo officials acknowledged the difficulty of estimating the subsidy's final price. They also said siting and cost would make replacing the nuclear plants with renewables impossible in the near-term.

Opponents of the nuclear subsidy, including a coalition of environmental and good government groups behind the "Stop the Cuomo Tax" campaign, have argued that the nuclear plants can be replaced by renewable energy in a measured way. Assembly Democrats asked whether such an alternative had been considered.

Sayre said replacing all of the upstate nuclear plants — which supply about 3,200 megawatts of

electricity — with renewables would cost \$100 million more annually than the subsidy. He based that figure on a very rough estimate comparing the cost of zero emissions credits for nuclear versus renewable energy credits, or RECs. He said the cost would be even greater in the future as renewable energy credits are expected get more expensive as easier-to-site projects are completed and they get pricier.

Sayre and NYSERDA president and CEO John Rhodes said it would be nearly impossible to site that much renewable capacity in a short period.

"It would've been that much more and it would've gotten worse — had we been able to site them, which of course we couldn't have done in a few months," Sayre said.

Subsidy opponents have emphasized the \$7.6 billion cost over 12 years of the plan. The subsidy will cost \$483 million annually in the first two years and is recalculated every two years. The administration offered its own estimate of \$2.8 billion, based on forecasted increases in energy prices, in late March.

Questioned by lawmakers about the certainty of such forecasts, Sayre said it was "crazy" to try to estimate energy prices 12 years in the future.

"We don't know what it's going to cost. Nobody does," Paul Agresta, the PSC's general counsel, later said.

Lawmakers also raised concerns about whether the administration has made plans for the eventual closure of the plants after the 12-year subsidy ends and the plants come up for their license renewals.

"What is the plan?" asked Assemblywoman Pamela Hunter, a Democrat from Syracuse. "I'm talking about particulars, about decimating an actual community... what is the plan for closure so communities aren't crushed?"

Sayre said there's 12 years to plan for that transition rather than a few months as the alternative.

"Your planning contingencies should have anticipated this by many years, instead of coming up on it like a bug on the windshield," said Assemblyman Steve Englebright, who chairs the Environmental Conservation Committee.

The Assembly Democrats who called the hearing, most of them from downstate, also focused on the cost of the subsidy for ratepayers in their communities when the economic benefits of the jobs saved are all upstate. The ZECs are charged on the basis of how much each energy a ratepayer uses. Since downstate consumes more of the electricity in the state, much of the subsidy comes from downstate ratepayers.

"If we use the social cost of carbon ... but we don't factor in economic development, jobs, then the cost is going to be on downstate ratepayers," said Assemblywoman Amy Paulin, who chairs the Energy Committee.

The Cuomo administration has argued that everyone in the state benefits from the avoided carbon emissions because of the subsidy, making it fair to distribute the costs equally.

It's not clear what, if any, action the Assembly Democrats will take on the nuclear subsidy. Senate Republicans have shown no interest in thwarting the subsidies, as their members represent communities near the plants.

Assemblyman Brian Kavanagh, chair of the Consumer Affairs and Protection Committee, said the lawmakers would review information provided just minutes before the hearing and then decide.

"It's still an open question how this program goes forward," he said at the end of the hearing.

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Trump orders Interior to launch national monument reviews [Back](#)

By Esther Whieldon | 04/26/2017 11:48 AM EDT

President Donald Trump today ordered his administration to consider whether to shrink or eliminate national monuments that have placed millions of acres of federal land off limits to development.

Trump signed an executive order directing Interior Secretary Ryan Zinke to review two dozen monuments that were created since the Clinton administration. The president also asked Zinke to come up with possible legislative fixes to the 1906 Antiquities Act, which gives presidents wide latitude to establish national monuments on federal lands.

At the signing at the Interior Department, Trump said former President Barack Obama had abused the Act to implement a land grab that placed 265 million acres under the control of the federal government.

"Today we are putting the states back in charge," Trump said

Conservation groups [worry](#) Trump and Zinke could weaken the underlying law that has been a conservation tool for 16 past presidents and potentially open up sensitive areas to fossil fuel development. Legal experts say it is unclear whether Trump could fully revoke previous monument designations, but he may be able to shrink the size of protected areas. Congress would have to implement any changes to the Antiquities Act itself.

Ahead of the signing, Zinke said "somewhere along the way, the Act became the tool of political advocacy rather than public interest, and it is easy to see why some designations are viewed negatively by those most impacted."

WHAT'S NEXT: Zinke is directed to come back with an interim report within 45 days and a